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MONTEREY, CALIFORNIA

THESIS

**AN EVALUATION OF THE ARCTIC—WILL IT BECOME
AN AREA OF COOPERATION OR CONFLICT?**

by

Packard C. Trent

March 2011

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COOPERATION OR CONFLICT?**

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ABSTRACT

Climate change and the vast amount of natural resources in the Arctic region have prompted awareness of the need for new policies among Arctic states, including the U.S., and stimulated throughout the entire international community a critical assessment of the issues regarding the Arctic region. All of this could result in potential conflict in this critical region of the world. The Arctic's ice cover as of spring 2010 was the lowest it has ever been at that time of year, and it is melting faster than once thought, making it possible for the Arctic to have an ice free summer by 2013. Due to the increase of yearly ice melt, the race to extract the natural resources will speed up tremendously in future years. Research shows that the Arctic nations strongly encourage cooperation and are currently abiding by the international laws, treaties, and infrastructures in place that allow them the most potential to benefit from the Arctic resources.

However, although the Arctic nations stress cooperation in their official statements and diplomatic overtures, they are actually preparing for conflict. There are many potential flashpoints that could cause the Arctic to end in conflict, such as territorial disputes, Russia's dependency on the Arctic, and the militarization of the Arctic. The Arctic region has long been neglected by the U.S; however, due to the current situation in the Arctic and the potential for new threats to the U.S. homeland, the region is becoming a far more important issue and is gaining the attention of the U.S. government. The major question this thesis will examine concerns the future of the Arctic: is it heading for conflict, or for cooperation? In addition, the state of U.S. security with respect to the Arctic will be evaluated, and recommendations for U.S. national and homeland security policy will be provided.

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LIST OF ACRONYMS AND ABBREVIATIONS

AK JOA	Alaska Joint Operations Area
ALCOM	U.S. Alaskan Command
AWPPA	Arctic Waters Pollution Prevention Act
BCM	Billion Cubic Meter
CAP	Civil Assistance Plan
CFS	Canadian Forces Station
CLCS	Commission on the Limits of the Continental Shelf
COCOMs	Combatant Commands
DHS	Department of Homeland Security
DoD	Department of Defense
HSPD	Homeland Security Presidential Directive
EEZ	Exclusive Economic Zone
EUCOM	U.S. European Command
FOL	Forward Operating Locations
IMO	International Maritime Organization
ISA	International Seabed Authority
JTF-AK	Joint Task Force Alaska
LNG	Liquefied Natural Gas
M	Mile
NATO	North Atlantic Treaty Organization
NBC	Nuclear, Biological, and Chemical
NM	Nautical Mile
NM ²	Nautical Square Mile
NORAD	North American Aerospace Defense Command
NORTHCOM	U.S. Northern Command
NSPD	National Security Presidential Directive
OECD	Organisation for Economic Co-operation and Development
OCS	Outer Continental Shelf

PACOM	U.S. Pacific Command
QDR	Quadrennial Defense Review
SAR	Search and Rescue
SFCR	Senate Foreign Relations Committee
SLBM	Submarine-launched Ballistic Missile
SSBN	Ballistic Missile Submarines
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
U.S.	United States
USCG	United States Coast Guard

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I. THE SITUATION IN THE ARCTIC

A. INTRODUCTION

The Arctic is a vast region that stretches around the globe north of the Arctic Circle with the North Pole at its center (see Figure 1). The Arctic region consists of five Arctic littoral nations (hereafter, Arctic nations): the United States (U.S.) (via Alaska), Canada, Russia, Norway, and Denmark (via Greenland).¹ In recent years, climate change and the vast amount of natural resources (an estimated 22 percent of the world's undiscovered oil and gas reserves)² in the Arctic region have prompted awareness of the need for new policies and a critical assessment of the issues regarding the Arctic region which could result in potential conflict. The Arctic's ice cover as of spring 2010 was the lowest it has ever been at that time of year, and it is melting faster than once thought,³ making it possible for the Arctic to have an ice free summer by 2013 and causing the Arctic to be navigable year-round.⁴ Due to the increase of yearly ice melt, the race to extract the natural resources will speed up tremendously in future years.

Presently, there are territorial disputes and increased military activity that could potentially lead to conflict among the countries in dispute. The need to preserve the natural resources and regulate the activity along the sea routes will increase as the ice continues to melt at a constant (or increasing) rate. The current situation raises serious concern over national and homeland security issues, due to the Arctic's proximity to the

¹ The five Arctic nations being compared in this thesis are the only five nations with coastal borders within the Arctic Circle, which include Canada, Denmark (via Greenland), Norway (via Svalbard), Russia, and the United States. Sweden, Finland, and Iceland are also considered Arctic nations but do not possess direct coastal borders within the Arctic Circle or claim territory within the Arctic.

² U.S. Geological Survey, "90 Billion Barrels of Oil and 1,670 Trillion Cubic Feet of Natural Gas Assessed in the Arctic," July 23, 2008, http://www.usgs.gov/newsroom/article.asp?ID=1980&from=rss_home.

³ ArcticSecurity.org, "Arctic Sea Ice on Track to Record Low," <http://www.arcticsecurity.org/?p=355>.

⁴ Statement of Scott G. Borgerson, Visiting Fellow for Ocean Governance at the Council on Foreign Relations, Before the Committee on Foreign Affairs, House of Representatives, Washington, D.C. (March 25, 2009), 10.



Figure 1. Arctic Circle and the Arctic nations⁵

⁵ Figure taken from Arctic Focus, "Arctic Region Facts," <http://arcticfocus.com/arcticregionfacts/>.

U.S. and the threats that may come from the region once the Arctic becomes more accessible to the rest of the world. The major question this thesis will examine concerns the future of the Arctic: is it heading for conflict, or for cooperation? In addition, the future of U.S. policy with respect to the Arctic will be evaluated.

B. ARCTIC IMPORTANCE FOR U.S. POLICY

The Arctic region has long been neglected by the U.S.; however, due to climate change and the increased melt of the Arctic ice, the region is becoming a far more important issue and is gaining the attention of the U.S. government.⁶ An ice-free Arctic is becoming a reality faster than once predicted, and as a result, the vast amount of natural resources potentially available and the opening of shipping lanes will potentially bring new threats to U.S. interests. Also, once the Arctic becomes more accessible there will potentially be a race for natural resources and possible disputes over territorial claims.

Recognizing the potential uncertainty of the future of the Arctic, the U.S. government issued a policy with respect to the Arctic region on January 9, 2009. That policy is the National Security Presidential Directive (NSPD) 66 and Homeland Security Presidential Directive (HSPD) 25 (combined as one directive), hereafter called the Arctic policy. This document calls for efforts to “meet national security and homeland security needs relevant to the Arctic region,” and to “develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region.”⁷ This policy calls for the U.S. Senate to ratify the United Nations Convention on the Law of the Sea (UNCLOS) because “it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.”⁸ The most recent National

⁶ Heather Conley and Jamie Kraut, “U.S. Strategic Interests in the Arctic. An Assessment of Current Challenges and New Opportunities for Cooperation,” Center for Strategic and International Studies, April 2010, http://csis.org/files/publication/100426_Conley_USStrategicInterests_Web.pdf, 1.

⁷ George W. Bush, “National Security Presidential Directive/NSPD 66 and Homeland Security Presidential Directive/HSPD 25,” January 9, 2009, <http://www.fas.org/irp/offdocs/nspd/nspd-66.htm>, 2–3.

⁸ *Ibid.*, 4.

Security Strategy makes the same point about UNCLOS, stating that the U.S. “will pursue ratification of the United Nations Convention on the Law of the Sea.”⁹

The UNCLOS defines the rights and responsibilities of nations in their use of the world’s oceans, guiding legal cooperation as well as various environmental agreements.¹⁰ The UNCLOS is at the forefront of the Arctic discussion because it is the international agreement used to peacefully resolve any disputes or boundary issues related to the world’s oceans. Although the U.S recognizes the treaty as customary international law, it is the only Arctic nation that has not ratified it. Since the U.S. is not bound by this treaty, the U.S. is not considered a “States Party,” which is the term used in the treaty to recognize those nations that have ratified the UNCLOS.¹¹ In order to make a territorial claim or argue a disputed claim, the treaty only recognizes those nations that are in full participation. Heather Conley and Jamie Kraut, from the Center for Strategic and International Studies, believe that since the U.S. is not a recognized member, the U.S. will not be able to gain,

...equal access and protection to the resource-rich Arctic and secure its rights for commercial and military vessels at sea. Although it is currently gathering data to support possible future claims, the United States is unable to make territorial claims to Arctic waters or to resolve its longstanding dispute with Canada over the status of the Northwest Passage without representation in the international bodies of arbitration established by the UNCLOS treaty.¹²

President Barack Obama and Secretary of State Hillary Clinton support ratification of UNCLOS and are committed to working actively to ensure that the U.S. ratifies the Convention. They believe the treaty remains an important piece of unfinished

⁹ The White House, “National Security Strategy,” (May 2010), 50.

¹⁰ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 14–15.

¹¹ United Nations, “The United Nations Convention on the Law of the Sea,” Part 1, Article 1 (December 10, 1982), 22.

¹² Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 14–15.

business.¹³ The U.S. Senate has been delayed in the passage of the treaty by a few Republican Senators who believe the treaty would give away U.S. sovereignty by allowing international bodies to have control over U.S. interests,¹⁴ providing a way for the U.N. to regulate U.S. naval activity and U.S. environmental law.¹⁵ According to Ben Block, a writer for the Worldwatch Institute, “the opposition from some Republican members of Congress is mostly a reflection of their deep-seated distrust of the United Nations and other international bodies.”¹⁶ To date the treaty has yet to be ratified.

The Arctic is important for U.S. national and homeland security policy because the effects of climate change will make the Arctic more accessible to the rest of the world. It is a vital region for the U.S., offering vast natural resources, the opportunity for increased commerce, and the potential for building partnerships with the other Arctic nations. As Conley and Kraut believe, “with greater accessibility to the Arctic region and its abundant resources come both new opportunities for multilateral cooperation and the potential for regional competition and dispute, particularly conflicting territorial claims and managing maritime resources.”¹⁷ For example, the Arctic region has the potential to become transformed,

...into a commercial hub fraught both with environmental concerns and complex challenges that have direct implications for U.S. national security. The melting of the northern polar ice has dramatically altered this once static geographic and oceanic region and is responsible for the new-found profitability and geostrategic relevance of the region. Access

¹³ Statement of Honorable Hillary Rodham Clinton, U.S. Senator from New York, nominated to be Secretary of State, Before the Committee on Foreign Relations, United States Senate, Washington, D.C. (January 13, 2009), http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_senate_hearings&docid=f:54615.wais.

¹⁴ Ben Block, “U.S. Leaders Support Law of the Sea Treaty,” Worldwatch Institute, January 22, 2009, <http://www.worldwatch.org/node/5993>.

¹⁵ Bob Reiss, “Cold Hard Facts: U.S. Trails in Race for the Top of the World,” Politics Daily, March 13, 2010, <http://www.politicsdaily.com/2010/03/13/cold-hard-facts-u-s-trails-in-race-for-the-top-of-the-world/>.

¹⁶ Block, “U.S. Leaders Support Law of the Sea Treaty.”

¹⁷ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 3.

to oil, gas, minerals, fish, and transportation routes, formerly locked in by thick ice, are for the first time becoming accessible and viable sources of profit.¹⁸

According to the most recent U.S. Geological Survey, the area north of the Arctic Circle accounts for about 13 percent of the undiscovered oil, 30 percent of the undiscovered natural gas, and 20 percent of the undiscovered natural gas liquids in the world.¹⁹ Once these untapped natural resources are discovered, the Arctic has the potential for increased pollution, competition and dispute.

The U.S. Navy and the scientific community are taking climate change and the Arctic seriously. The National Research Council just released a major study, *National Security Implications of Climate Change for U.S. Naval Forces*, which identifies the changes that are already under way in the Arctic and calls for action by U.S. naval leadership in response. The Council states that the first area for U.S. leadership action is to support the ratification of the UNCLOS. The report argues that the U.S. Navy is constrained by remaining outside of the UNCLOS because it “makes it more difficult for U.S. naval forces to have maximum operating flexibility in the Arctic and complicates negotiations with maritime partners for coordinated search and rescue operations in the region.”²⁰ My thesis helps provide support for the argument of this new study.

Just as it is important for the U.S. to understand the future of the Arctic’s climate and geography, it is important to try to understand the future of interstate relations among the Arctic states. As Conley and Kraut argue, “protracted disagreement among the Arctic littoral states could cause individual Arctic nations to become increasingly assertive in their resource and territorial claims, which has the potential to lead to the militarization of the Arctic.”²¹ Some believe that this situation is less likely to happen. However, if it

¹⁸ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 1.

¹⁹ U.S. Geological Survey, “90 Billion Barrels of Oil and 1,670 Trillion Cubic Feet of Natural Gas Assessed in the Arctic,” July 23, 2008, http://www.usgs.gov/newsroom/article.asp?ID=1980&from=rss_home

²⁰ National Research Council, *National Security Implications of Climate Change for U.S. Naval Forces* (Washington, DC: National Academies Press, 2011), prepublication copy, http://www.nap.edu/catalog.php?record_id=12914#toc.

²¹ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 3.

were to happen, the U.S. is currently not prepared to operate effectively in that region of the world, unable to implement its Arctic policy, and unable to make territorial claims or resolve territorial disputes. Many experts argue that until the U.S. ratifies the UNCLOS and moves forward with the U.S. policy in the Arctic, the U.S. will not become a major benefactor from the Arctic.

The UNCLOS is not the only area where the U.S. may potentially be behind the other Arctic nations. The four other Arctic nations—Canada, Russia, Denmark, and Norway—are preparing to access the valuable resources and transportation routes by increasing research for ways to tap into the oil and gas industry and to expand shipping routes. Canada has invested over \$100 million for research in the Arctic to verify seabed and extended continental shelf²² claims. Several of the same Arctic nations are increasing their military activity by increasing capabilities such as commissioning vessels, patrolling areas with aircraft, and controlling the borders. Russia's competing territorial claims of the Lomonosov Ridge, as well as those of the U.S. of the Beaufort Sea, are perceived by Canada to be a real and significant threat to its economic and sovereign interests. Also, Canada has moved to "increase its military presence in the Arctic and made clear that it will act unilaterally to protect its interests."²³

Canada is not the only Arctic nation increasing its military presence; the other Arctic nations of Russia, Denmark, and Norway are doing the same. According to Charles Emmerson, "Norway already has Special Forces trained to recapture offshore oil platforms—coming up from torpedo tubes in submarines, parachuting in from low altitudes, or using fast boats and helicopters."²⁴ The most threatening Arctic nation is

²² According to the UNCLOS, the continental shelf is defined as the "seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nm from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance." United Nations, "The United Nations Convention on the Law of the Sea," Part VI, Article 76 (December 10, 1982), 53.

²³ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 16–18.

²⁴ Charles Emmerson, *The Future History of the Arctic* (New York, NY: Public Affairs, 2010), 121–122.

Russia because the “nation’s future is so bound up with the development of riches above the Arctic Circle. No other country’s impact on the Arctic as a whole will be as great.”²⁵

C. LITERATURE REVIEW

The literature available to help us understand whether the Arctic is heading toward a future of cooperation or conflict, can be viewed as different points on opposite ends of a spectrum. The first viewpoint, that of cooperation, is that all Arctic nations will abide by international law for peaceful resolution of territorial disputes, and work together to secure the region and deter threats from the Arctic. Scholars supporting this approach agree that the current situation among the Arctic nations will ultimately lead to cooperation in the region. The second viewpoint sees that although the Arctic nations may appear to be collaborating to achieve cooperation, they are actually preparing for a future marked by conflict. Supporters of this view note that most Arctic nations are developing combat-capable forces in the region, despite their claims that the forces are for constabulary roles only.²⁶ This section examines the two ends of the spectrum and the existing literature available to answer the question of conflict or cooperation.

In support of the cooperation viewpoint, Canadian legal scholar Michael Byers believes there will be no race for natural resources and no appetite for conflict. Byers believes that the current UNCLOS is at the center of international law in the Arctic and that it will be followed by the five participating Arctic Ocean coastal states including the U.S., because although the U.S. does not recognize UNCLOS, it does accept it as customary international law. Byers noted that in 2008, Denmark hosted a summit for the Arctic Ocean coastal states that culminated with all five countries reaffirming their commitment to resolving disputes peacefully within the existing framework of international law.²⁷

²⁵ Emerson, *The Future History of the Arctic*, 221.

²⁶ Dr. Rob Huebert, “The Newly Emerging Arctic Security Environment,” Canadian Defence & Foreign Affairs Institute (March 2010), 22.

²⁷ Michael Byers, “Pax Arctica”, GlobalBrief.ca, February 19, 2010, <http://globalbrief.ca/blog/2010/02/19/pax-arctica/>.

Another supporter of the cooperation viewpoint, Captain Lawson Brigham, U.S. Coast Guard (Retired), professor at the University of Alaska Fairbanks believes,

...the Arctic region should be one of cooperation, not conflict, with shared concern for science, environmental protection, and marine shipping issues, all within the Arctic Council. The structures are in place today to enhance cooperation among the Arctic states to protect the marine environment and the Arctic people, improve marine safety, and collaborate in the sharing of ship traffic and environmental information. Greater cooperation is imperative, and highly possible, in dealing with the future development of international rules that should lessen regional disputes and develop a more integrated approach to Arctic marine affairs.²⁸

Dr. Oran R. Young, Director of the Institute of Arctic Studies at the Donald Bren School of Environmental Science and Management, University of California, Santa Barbara, is also in support of the cooperation viewpoint. Dr. Young points out that there has been considerable media reporting regarding the potential for conflict in the Arctic over the abundance of natural resources.²⁹ But Dr. Young's opinion is that despite these exaggerated reports,

...there are nonetheless good reasons to reassess current governance arrangements in and for the Arctic in the light of current developments and to think creatively about ways to strengthen Arctic governance to make it as effective as possible in addressing issues that can be expected to arise during the forthcoming decades.³⁰

While Young, Byers, and Brigham all argue there are many things that still need to be done to preserve the peace in the Arctic, they strongly believe it will not become a place of conflict.

On the other hand, there are a number of prominent scholars who tend to be leaning more toward conflict as the future of the Arctic. Several of these experts study the buildup of security and military forces along the Arctic region, and believe these forces present dangerous potential for conflict. For example, Dr. Scott G. Borgerson, of

²⁸ Captain Lawson Brigham, U.S. Coast Guard (Retired), "Navigating the New Maritime Arctic," *Proceedings Magazine*, U.S. Naval Institute, May 2009.

²⁹ Oran R. Young, "Whither the Arctic? Conflict or cooperation in the circumpolar north," *Polar Record*, Volume 45, Issue 1, (Cambridge University Press, 2009), 81.

³⁰ *Ibid.*, 73.

the Council on Foreign Affairs, testified before the Committee on Foreign Affairs, U.S. House of Representatives, stating that “there is reason to worry” in regards to the situation in the Arctic. He based his comment on Russia’s increasingly aggressive behavior regarding the military and economic expansion in the region and its belligerent foreign policy overall, which he argued should give the other four Arctic nations cause for trepidation. He added that there are a number of sovereignty disputes between every Arctic nation that share a physical border and it would be a mistake to assume that all these potential flashpoints will remain quiet.³¹ In a *Foreign Affairs* essay, Borgerson argues that “although the melting Arctic holds great promise, it also poses grave dangers. The combination of new shipping routes, trillions of dollars in possible oil and gas resources, and a poorly defined picture of state ownership makes for a toxic brew.”³²

Dr. Rob Huebert, Associate Director of the Centre for Military and Strategic Studies at the University of Calgary, recently wrote a report entitled “The Newly Emerging Arctic Security Environment” in which he examines why the Arctic nations are building military forces and capabilities in the Arctic. He concludes that despite the proclamations of cooperation, Arctic nations are developing combat-ready forces for protection of national interests. Also, with the exception of Canada, the other four nations have either invested, or will invest, in weapons systems designed to fight wars. As he warns, “there is reason to believe that these programs represent a fear that force will be needed to protect their interests in the region and that they need to be prepared for this.”³³ Moreover, Huebert argues that “some of the states are developing their forces because they fear their neighbours” and feel the need for an “insurance policy” or “just in case” the forces are warranted, which are “contributing to the growing strategic value of the region. As this value grows, each state will attach a greater value to their own

³¹ Scott D. Borgerson, Statement Before the Committee on Foreign Affairs, House of Representatives, Washington, D.C. (March 25, 2009), 14.

³² Scott G. Borgerson, “Arctic Meltdown Subtitle: The Economic and Security Implications of Global Warming,” *Foreign Affairs* 87, No. 2, (March – April 2008): 63.

³³ Huebert, “The Newly Emerging Arctic Security Environment,” 22–23.

national interests in the region. In this way, an arms race may be beginning. And once the weapons systems are in place, states can behave in strange ways.”³⁴

As noted above, the views of experts on the future of the Arctic can be seen as different points on opposite ends of a spectrum. Heather Conley and Jamie Kraut present a view that lies somewhere in the middle of that spectrum. They too believe that the Arctic has the potential for cooperation, especially if the U.S. takes concrete steps over the next several years to improve its strategic posture in the Arctic. However, Conley and Kraut do not completely rule out the possibility of a militarized Arctic due to resource and territorial claims,³⁵ which could result in conflict among the Arctic nations. These scholars believe that the Arctic nations are doing what is currently necessary with respect to building and the future plans of building Arctic forces. Likewise, Byers does not “see a military buildup that is directed at state threats in the Arctic. What I see is a perfectly logical response to the constabulary responsibilities that come with a newly opened coastline.”³⁶

Also believing that the Arctic has the potential for competition as well as conflict is Admiral James G. Stavridis, Supreme Allied Commander for Europe. In a recent discussion at the Scott Polar Research Institute of the University of Cambridge, Admiral Stavridis stated that,

...for now, the disputes in the north have been dealt with peacefully, but climate change could alter the equilibrium over the coming years in the race of temptation for exploitation of more readily accessible natural resources.” Adding further, “the cascading interests and broad implications stemming from the effects of climate change should cause today's global leaders to take stock, and unify their efforts to ensure the Arctic remains a zone of co-operation – rather than proceed down the icy slope towards a zone of competition, or worse a zone of conflict.”³⁷

³⁴ Huebert, “The Newly Emerging Arctic Security Environment,” 22–23.

³⁵ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 3.

³⁶ ArcticSecurity.org, “Arms race in the Arctic?,” April 25, 2010, <http://www.arcticsecurity.org/?p=287>.

³⁷ Terry Macalister, “Climate change could lead to Arctic conflict, warns senior Nato commander,” The Guardian, October 11, 2010, <http://www.guardian.co.uk/environment/2010/oct/11/nato-conflict-arctic-resources>.

Admiral Stavridis believes that the building of military forces in the Arctic is necessary and plays an important role when it comes to commercial assistance rather than conflict.³⁸

It is important to point out that the two viewpoints on the ends of the spectrum that are mentioned above do not necessarily stand in stark opposition to one another. Authors in both camps point out that cooperation can be achieved if all of the Arctic nations act on their stated intention to cooperate.³⁹ Also, most of these authors believe that in order for conflict to be avoided, the U.S. needs to play a broader role in the Arctic. For example, Conley and Kraut state that the U.S. “must take some very concrete steps over the next several years to improve its strategic posture in the Arctic so that over the next 40 years the region is a model of regional cooperation and not a zone of potential conflict.”⁴⁰ Borgerson believes that “without U.S. leadership to help develop diplomatic solutions to competing claims and potential conflicts, the region could erupt in an armed mad dash for its resources.”⁴¹ It appears that the future of the Arctic will likely be determined by the amount of attention and focus the U.S. deems necessary.

D. HYPOTHESES AND METHODOLOGY

This thesis seeks to answer the question about the future of the Arctic — will it develop into what Admiral Stavridis calls a zone of cooperation or a zone of conflict? It examines the current U.S. stance on the Arctic to determine the way ahead for U.S. policies and strategies. There are two hypotheses that will be tested to determine the future of the Arctic.

The first hypothesis to be tested in this thesis is that: if the Arctic nations continue to abide by the international laws, treaties, and infrastructures in place, then the future of the Arctic will be one of cooperation. This hypothesis suggests it is important for all

³⁸Macalister, “Climate change could lead to Arctic conflict, warns senior Nato commander.”

³⁹Huebert, “The Newly Emerging Arctic Security Environment,” 23.

⁴⁰Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 26.

⁴¹Arctic Council.org, “An Arctic War is Getting Closer,” March 5, 2008, http://www.arctic-council.org/article/2008/3/an_arctic_war_is_getting_closer.

Arctic nations to work together in order to benefit from the natural resources without conflict. The second hypothesis is that: although the Arctic nations stress cooperation in their official statements and diplomatic overtures, they are actually preparing for conflict. This hypothesis notes that there are many potential flashpoints that could cause the Arctic to tend towards conflict such as territorial disputes, Russia's dependency on the Arctic, and the militarization of the Arctic.

Gathering data related to these hypotheses threatens to overwhelm the effort by the range, amount, and undifferentiated quality of the information available. In relation to the discussions of the conflict/cooperation hypothesis, some organizing criteria are needed to distinguish important from unimportant factors; to identify important causal relationships; to guide investigation; and to provide an intellectual model of how these processes might work.

It is accepted as a given that all policy confrontations in the Arctic are capable of turning into military conflicts because the logic of anarchy is a "self-help" logic, in which military violence is the ultimate logic of persuasion.⁴² However, such imperatives can be mitigated by the presence of relationships between states that allow or encourage other methods of conflict resolution to be adopted. In the presence of these relationships, our default expectation of a zone of conflict may become a zone of cooperation. Without those conditions, policy conflict may turn into war.

Such a transition process in interstate relations is generally called a crisis. It is a policy confrontation characterized by threats to major national values; the threat of war or major damage to national values; and a shortage of time.⁴³ Whatever the antecedents of conflict, the decision to fight is ultimately one of individual and organizations, which is why crises are defined as decision points between peace and war.⁴⁴

⁴² Barry Buzan, *People, States and Fear: The National Security Problem in International Relations*, (Brighton, Sussex, UK: Wheatsheaf Books, 1983), 96.

⁴³ Omer Goksel Isyar, "Definition and Management of International Crises," in *PERCEPTIONS: Journal of International Affairs*, (vol. 13 no. 4, 1–48, Winter 2008), http://www.sam.gov.tr/volume_xiii_winter08.php, 5.

⁴⁴ Richard Ned Lebow, *Between Peace and War: The Nature of International Crisis*, (Baltimore, MD: Johns Hopkins University Press, 1981), 9.

What conditions may transform a policy conflict into war or peace in this way? Part of that answer lies in the exact issues and foregoing circumstances which press states to violent action, or to cooperation, but since this thesis is looking into the future and such details of future conflicts are unknowable, a framework which concentrated on the more enduring qualities of states is more useful. Such a model is provided by the distinguished crisis scholar, Charles Hermann.⁴⁵ He proposes that certain characteristics of states and their relationships with each other may incline them in periods of crisis to choose cooperative rather than conflictual strategies.

Hermann proposes eight dimensions for ranking parties to a crisis in terms of qualities relevant for the outcome of the crisis.⁴⁶ First he argues that the presence of “reliable, trustworthy, confidential and rapid means of communication” between crisis adversaries can decrease the possibility of misunderstanding in a crisis or the incentive to act pre-emptively before the situation deteriorates. Secondly, he argues that “access to and experience with conflict resolution mechanisms” can provide viable “escape routes” to the alternative of violence. Thirdly, if some of the interests at stake in the crisis promise “non-zero sum outcomes” then the path towards cooperative behaviors may become more attractive. The prospect of joint benefits through peaceful outcomes can be “one of the most helpful elements for crisis management. A further consideration is a mutual belief in the rationality of adversaries. Such beliefs make diplomatic bargaining a worthwhile activity; a belief that rationality is absent may make “pre-emptive destruction” appear to be the only available strategy. Then Hermann discusses the presence of the “valued interdependence of parties on other issues” which are not integral to the issues in conflict. Here is the notion of linkage and interdependence, or mutual dependence. A sixth issue is the availability of non-military instruments of statecraft as an alternative to military violence. The next factor is a “parity of usable military resources” between adversaries, which may encourage cooperative negotiation in the face of mutual military deterrence. Finally, there is the lack of access to nuclear weapons

⁴⁵ Charles F. Hermann, “Types of crises actors and their implications for crisis management,” in *International Crises and Crisis Management*, edited by Daniel Frei, (Farnborough, UK: Saxon House, 1978).

⁴⁶ *Ibid.*, 29.

which Hermann believes gives crisis adversaries an incentive to negotiate, whether their possession encourages intractability in the nuclear power and a more credible stance in refusing to compromise.⁴⁷

This thesis examines the two hypotheses, cooperation and conflict, in terms derived from the conceptual approach outlined in the previous paragraphs, and argues that the future of the Arctic is most likely to be characterized by cooperation, rather than conflict. This finding is largely based on the fact that international law is being followed by all Arctic nations and disputes over the Arctic that have lasted decades are now being settled. In addition, this thesis argues that Russia cannot benefit from the Arctic without western technology, and the building of Arctic forces is not militarizing the Arctic, but simply replacing obsolete ships, aircraft, and technology that will likely be used in the Arctic for constabulary roles.

In addition to examining these hypotheses, this thesis will also assess the contribution of U.S. policy, strategies, capabilities, and assets to the future of the Arctic. Finally, shortcomings will be identified and recommendations will be made for the way ahead for U.S. policy and strategies to make them more efficient and acceptable among the other Arctic nations in order to prevent conflict.

Following this introductory chapter, Chapter II is an analysis of the cooperation hypothesis. It studies the potential for cooperation among the Arctic nations and the importance of the Arctic nations working together for a common goal. In particular, this chapter focuses on the international law and institutions of UNCLOS, the Arctic Council, and the International Maritime Organization in terms of their role in enhancing cooperation among the Arctic nations. This chapter will address the importance of cooperation and show how all of the Arctic nations are cooperating with respect to the Arctic through cooperative strategies. Lastly, the chapter will conclude by discussing the recent resolved territorial disputes so that some of the Arctic nations can move forward with developing the Arctic without conflict.

⁴⁷ Hermann, "Types of crises actors and their implications for crisis management," 29–31.

Chapter III is the counterargument, analyzing how the Arctic might tend towards conflict. It focuses on the topics of territorial disputes, the militarization of the Arctic by the Arctic nations, Russia's heavy economical and political dependence on the Arctic and its aggressive behavior in promoting Arctic policy. Each of these topics will be addressed through examples to show how the countries are striving for cooperation, but are preparing for conflict. This chapter will also focus on Russia and its impact and influence it has on the Arctic region and the other Arctic nations.

Chapter IV will give special attention to current U.S. policies and strategies concerning the Arctic. The NSPD 66 and HSPD 25 Arctic policy will be examined in terms of its contribution to protecting the Arctic region: its abundance of resources, and its role in homeland security. This policy will be discussed further to show the importance of ratifying the UNCLOS in order to protect and advance U.S. interests in the Arctic.⁴⁸ Likewise, the views of those who oppose UNCLOS will be examined, revealing why the treaty has not been ratified by the Senate. In addition, the other U.S. policies that relate to the Arctic, such as the U.S. Maritime Strategy, "A Cooperative Strategy for 21st Century Seapower", the U.S. Navy's "Navy Arctic Roadmap" and the Department of Defense's (DOD) 2010 Quadrennial Defense Review (QDR), will be examined to determine what has and has not been implemented. By examining these documents, a clearer picture of current U.S. views of the current situation in the Arctic will be presented. The limitations of U.S. capabilities in the Arctic will be discussed, such as the shortage of operating ice-breakers, lack of forward operating bases, and limited amount of assets to carry out missions such as search and rescue. These deficient capabilities and assets impede the implementation of the U.S policies and strategies for the Arctic. Lastly, the costs of the U.S. non-ratification of UNCLOS will be addressed.

Chapter V concludes by viewing the material in the previous three chapters in terms of the conceptual framework of Hermann's theory of crisis outcomes. This assigns priority to a number of the factors described in previous chapters and suggests ways in which they may contribute to co-operation in the Arctic of the future. In particular, the

⁴⁸ Bush, "NSPD 66/HSPD 25," 4.

concluding argument focuses on the role of international law, and the central significance of the Arctic Council, and other structures that enhance cooperation. The views of experts studied for this thesis and the case studies of current Arctic issues and conflicts strongly suggest that warnings about the potential for conflict on the top of the world are exaggerated, and that it is most likely that the Arctic nations, including the U.S., will be able to resolve their disputes peacefully, and manage Arctic issues in an atmosphere marked more by cooperation than conflict.

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II. POTENTIAL FOR COOPERATION

This chapter examines the hypothesis that the future of the Arctic is most likely to be one of cooperation. It does so by examining the following areas of interstate relations: international law and its main components; the international institutions of the Arctic Council and the International Maritime Organization (IMO); the cooperative strategies of the Arctic nations; and most recently, resolved territorial disputes pertaining to the Arctic nations. This chapter also studies the potential for cooperation among the Arctic nations and the importance of the Arctic nations working together for a common goal.

The view of cooperation focuses on international maritime law and in particular UNCLOS, which governs the Arctic. Under UNCLOS, Arctic states are responsible for resolving disputes through its international bodies; for regulation of the seabed mining beyond the limits of national jurisdiction; and making recommendations on the data submitted by coastal states concerning the outer limits of the continental shelf beyond 200 nautical miles (nm). The UNCLOS and these international organs promote international cooperation and observance of international law in the interests of maintaining peace and security.⁴⁹

Another international body is the Arctic Council, which is an intergovernmental forum that provides a means for promoting cooperation, coordination, and interaction among the Arctic States.⁵⁰ Like the Arctic Council, the IMO also promotes cooperation by focusing on maritime safety throughout the Arctic. In addition, this chapter will discuss each of the Arctic nations (other than the U.S.⁵¹) policies to show how each of these policies stress cooperation among the Arctic nations. Finally, the most recent territorial disputes that have been resolved will be reviewed as examples of how the Arctic nations are moving forward by encouraging cooperation and following

⁴⁹ United Nations, “The United Nations Convention on the Law of the Sea,” Part XI, Article 138 (December 10, 1982), 70.

⁵⁰ Arctic Council. “About the Arctic Council,” <http://arctic-council.org/article/about>.

⁵¹ The U.S. policy and strategies will be examined in Chapter IV.

international law to develop the Arctic without conflict. This chapter will show that each nation is actively promoting cooperation and following international law in order to maximize their benefits from the Arctic.

A. INTERNATIONAL LAW

The body of international law most critical for Arctic stability is the 1982 UNCLOS, which established a legal regime governing activities on, over, and under the world's oceans.⁵² The UNCLOS is a comprehensive international treaty in which many nations united to resolve residual ocean issues that had divided them in the years since the first Geneva Convention on the High Seas of 1958.⁵³ It establishes a comprehensive legal framework that defines the rights and responsibilities of nations in their use of the world's oceans and its resources, guides legal cooperation, and various environmental agreements.⁵⁴ The UNCLOS is often referred to as the "constitution for the oceans."⁵⁵

The current version of the UNCLOS is the result of the third United Nations (UN) Conference on the Law of the Sea which began negotiations in 1973 and was completed on December 10, 1982. That same day, the UNCLOS was opened for signature and 119 nations signed the treaty. The treaty entered into force 12 years later, on November 16, 1994, one year after 60 nations had formally ratified the treaty. Many nations, including the U.S., objected to Part XI of the treaty, which pertains to the deep sea bed mining beyond the limits of national jurisdiction. In order to achieve universal participation in the treaty, in 1990, U.N. Secretary General Javier Perez de Cuellar began meetings with interested governments aimed at negotiating an agreement. On July 28, 1994, an agreement that amended many of the seabed portions relating to the Part XI of the treaty

⁵² Marjorie Ann Browne, "The Law of the Sea Convention and U.S. Policy," Congressional Research Service, June 16, 2006, 1.

⁵³ Jon M. Van Dyke, "The 1982 United Nations Convention on the Law of the Sea," in *Ocean and Coastal Law and Policy*, ed. Donald C. Baur, Tim Eichenberg, and Michael Sutton (Chicago, IL: ABA Publishing, 2008) 378–379.

⁵⁴ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 14–15.

⁵⁵ *Ibid.*, 14–15.

was adopted by the U.N. General Assembly; it entered into force on July 28, 1996.⁵⁶ The 1994 Agreement and Part XI of the Convention were to be interpreted and applied together as a single instrument.⁵⁷

The UNCLOS defines various levels of maritime jurisdiction. The UNCLOS has provisions relating to the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone (EEZ), and the high seas.⁵⁸ Under Article 76, nations are also permitted to assert jurisdictional claims over their extended continental shelves beyond their EEZs.⁵⁹ The five Arctic nations are in principle limited to the exploitation of the continental shelf within EEZ out a distance 200 nm from the baseline on which their territorial sea is calculated. The UNCLOS allows the Arctic nations to exploit their continental shelf beyond this limit if they can prove that the seafloor's underwater ridges are a geological extension of the country's own continental shelf. The purpose of extending the continental shelf is that nations can claim a larger portion of the ocean and the resources available. Article 188 of the treaty allows nations to dispute claims to ensure nations are not claiming each other's territories or continental shelves as their own. These provisions clearly prescribe the degree to which littoral nations can exploit the undersea resources of the Arctic.

To date, 160 countries and the European Union have ratified the treaty,⁶⁰ and out of the five Arctic nations, the U.S. is the only nation that has not ratified it, even though the U.S. recognizes the treaty as customary international law.

As stated in the Preamble of the UNCLOS, the nations that sign the UNCLOS are encouraged,

...by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and aware of the

⁵⁶ Browne, "The Law of the Sea Convention and U.S. Policy," 1.

⁵⁷ International Tribunal for the Law of the Sea, "General Information – Overview," http://www.itlos.org/start2_en.html.

⁵⁸ Ibid.

⁵⁹ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 14–15.

⁶⁰ International Tribunal for the Law of the Sea, "General Information – States Parties," http://www.itlos.org/start2_en.html.

historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world.⁶¹

The four Arctic nations that have signed the treaty are bound by this international law that allows all States Parties the ability to extend their continental shelves and peacefully resolve disputes. As the Arctic continues to melt, there will be no other international law that will be as vital as the UNCLOS in the Arctic, which allows each nation to benefit from what is rightfully theirs and encourages cooperation among all participating nations. In his paper prepared for the Project on U.S. Global Engagement at the Carnegie Council for Ethics in International Affairs, Michael Byers argues that,

...thanks to international law, there is no race for Arctic resources. Nor is there any appetite for military confrontation. The Arctic, instead, has become a zone of quiet cooperation, as countries work together to map the seabed, protect the environment, and guard against new, non-state security threats.⁶²

The next section will describe the international bodies that were established by UNCLOS to implement treaty.

1. Bodies Established by the UNCLOS

a. Commission on the Limits of the Continental Shelf (CLCS)

The purpose of the CLCS is to facilitate the implementation of the UNCLOS “in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles (M) from the baselines from which the breadth of the territorial sea is measured.”⁶³ In accordance with article 76 of the UNCLOS, an Arctic nation⁶⁴ must have scientific and technical data that can prove that the seabed is in fact

⁶¹ United Nations, “The United Nations Convention on the Law of the Sea,” Preamble (December 10, 1982), 25.

⁶² Michael Byers, “Cold Peace: International Cooperation Takes Hold in the Arctic,” Carnegie Council, December 16, 2009, http://www.carnegiecouncil.org/resources/articles_papers_reports/0040.html.

⁶³ United Nations Commission on the Limits of the Continental Shelf, “Purpose of the Commission,” http://www.un.org/Depts/los/clcs_new/commission_purpose.htm#Purpose.

⁶⁴ The CLCS is not solely for the purposes of Arctic nations. Any coastal nation that wishes to extend their continental shelf is able to submit their data to the CLCS for recommendation.

connected to their territorial continental shelf in order for the shelf to be extended. The data to prove their claim is then submitted to the CLCS for recommendation. The CLCS will then make recommendations to the nation that submitted the claim on matters related to the establishment of the outer limits of their continental shelf. The recommendation given by the CLCS “shall be final and binding.”⁶⁵ There is a time limit to how long a country has to submit a claim to the CLCS. Once a country ratifies the UNCLOS, it has ten years to collect the appropriate information and submit a claim for an extended continental shelf.⁶⁶ The CLCS, along with the UNCLOS, helps delineate which areas that belong to each country so there is no discrepancy on which areas belong to whom. The CLCS is an important commission since it establishes the limits of the continental shelf for each Arctic nation which, if its decisions are accepted, will facilitate cooperation among them.

b. International Seabed Authority

Another body that was established as a result of the UNCLOS is the International Seabed Authority (ISA). The ISA is an independent international organization, established under Part XI of the UNCLOS and the 1994 Agreement, responsible for organizing and controlling the exploration for and exploitation of resources from the “Area”.⁶⁷ The ISA members are composed of all States Parties to the UNCLOS. There are two principal organs that establish the policies and govern the work of the ISA: the Assembly and Council. The Assembly, made up of all states who are parties to the treaty, is its main organ with the power to establish general policies. It elects members of the Council and the Secretary-General, who heads the Secretariat; it sets the budget, assesses contributions, approves the rules, regulations and procedures that govern prospecting, exploration and exploitation in the Area; and it decides on

⁶⁵ United Nations, “The United Nations Convention on the Law of the Sea,” Part VI, Article 76(8) (December 10, 1982), 53.

⁶⁶ United Nations, “The United Nations Convention on the Law of the Sea,” Annex II, Article 4 (December 10, 1982), 146.

⁶⁷ The “Area” is International Seabed Area defined as the seabed and ocean floor and subsoil beyond the limits of national jurisdiction. The national jurisdiction is 200 nm from the coastal nation’s baseline unless it has been extended by the CLCS.

sharing of mining revenues received by the Authority.⁶⁸ The Council is considered “the executive organ” of the ISA, made up of 36 members, that establishes specific policies; it approves contracts for exploration and exploitation of deep-sea minerals by States, corporations and other entities; and it establishes environmental standards and exercises control over the activities in the Area.⁶⁹

The ISA came into force on the same day as the UNCLOS, which was on November 16, 1994. At that time, the U.S. had provisional membership in the ISA and its organs and bodies. The provisional membership was given to the U.S. to allow time for the ratification of the UNCLOS and the Agreement. However, since the Senate did not ratify the treaty and Agreement, these documents could not be brought into force for the U.S. and the provisional membership expired on November 16, 1998. Currently the U.S. has observer status at the ISA.⁷⁰ Since the other Arctic nations ratified the treaty, they each participate in the ISA, and adhere to its when exploring the area for the abundance of natural resources.

c. International Tribunal for the Law of the Sea

The last body that will be discussed as a result of the UNCLOS is the International Tribunal for the Law of the Sea. Established by Part XV of the UNCLOS, it consists of a comprehensive system for the settlement of disputes that might arise with respect to the interpretation and application of the UNCLOS. It requires States Parties to settle their disputes by peaceful means. The system, established by the UNCLOS, provides four alternative means for the settlement of disputes: the International Tribunal for the Law of the Sea (Annex VI), the International Court of Justice, an arbitral tribunal (Annex VII), and a special arbitral tribunal (Annex VIII). A State Party is free to choose

⁶⁸ Browne, “The Law of the Sea Convention and U.S. Policy,” 6.

⁶⁹ The International Seabed Authority, “The Council,” <http://www.isa.org.jm/en/about/members/council>.

⁷⁰ Browne, “The Law of the Sea Convention and U.S. Policy,” 0.

one or more of these means by a written declaration. If the States Parties in dispute cannot agree on the same settlement procedure, the dispute may be submitted only to the arbitral tribunal.⁷¹

The International Tribunal for the Law of the Sea is an independent judicial body established to adjudicate disputes arising out of the interpretation and application of the UNCLOS. The Tribunal is composed of 21 independent judges, elected by the States Parties, which have a reputation for fairness and integrity and a show of competence with the law of the sea.⁷² The Tribunal has formed the following chambers: the Chamber of Summary Procedure, the Chamber for Fisheries Disputes, the Chamber for Marine Environment Disputes, the Chamber for Maritime Delimitation Disputes, and the Seabed Disputes Chamber. The Seabed Disputes Chamber, consisting of 11 judges, settles disputes relating to the International Seabed Area. Any State Party may request the Seabed Disputes Chamber to form an ad hoc chamber composed of three members of the Seabed Disputes Chamber. The Tribunal is open to States Parties and, in certain cases, to entities other than States Parties (such as an international organization).⁷³

The international legal regime of the Arctic provides an important set of rules and procedures for the international use of the Arctic, and as such will be a major factor in guiding Arctic states towards cooperation. The UNCLOS and the laws established within it are formulated to establish strict and clear guidelines with respect to areas surrounding the Arctic nations so there is not a disagreement on which areas are within the limits of each Arctic Nation. These laws also prescribe legal behavior for states, which reinforces cooperative behavior between Arctic nations while sustaining peace and security in the region. The Arctic nations that participate in UNCLOS abide by the international law and are following the procedures in place to claim extended continental shelves and to settle disputes. It is important to note that even though the U.S. has not ratified the UNCLOS and its components, it still maintains cooperation in the Arctic by working with the other Arctic nations for a common goal.

⁷¹ International Tribunal for the Law of the Sea, "General Information – Overview."

⁷² Ibid.

⁷³ Ibid.

B. REGIONAL AND INTERNATIONAL INSTITUTIONS

In addition to the UNCLOS and the international laws established within it, there are two international institutions, the Arctic Council and the IMO, that promote cooperation among the Arctic nations.

1. Arctic Council

At the end of the Cold War, it was thought that the Arctic could possibly be transformed into a zone of peace. Therefore, a series of initiatives (e.g. the 1991 Arctic Environmental Protection Strategy) were launched to improve cooperation between the eight Arctic nations. The Arctic Council, established in 1996, is the most notable of these initiatives and remains today the primary mechanism for regional governance.⁷⁴ The Council is a high level intergovernmental forum that provides a means for promoting cooperation, coordination, and interaction among the Arctic States and the Arctic indigenous communities and other Arctic inhabitants on non-military matters. The Council focuses on “common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic.”⁷⁵ The member states of the Council are the Arctic five (Canada, Denmark (via Greenland), Norway, Russia, and the U.S.), and Finland, Iceland, and Sweden. The Arctic Council is the only major intergovernmental initiative for the Arctic involving all eight Arctic states.⁷⁶

The Arctic Council is the “main international forum for cooperation in the high north”⁷⁷ and provides the “most potential for a comprehensive resolution of environmental and governance issues in the Arctic.”⁷⁸ The Council convenes twice a year, and the body consists of the member states and six indigenous organizations that are

⁷⁴ Klaus Dodds, “From Frozen Desert to Maritime Domain: New Security Challenges in an Ice-Free Arctic,” in *Swords and Ploughshares Global Security, Climate Change, and the Arctic*, edited by Matthew A. Rosenstein, (University of Illinois at Urbana–Champaign, Volume XVII / No. 3 / Fall 2009), 13.

⁷⁵ The Arctic Council, “About Arctic Council,” <http://arctic-council.org/article/about>.

⁷⁶ Evan Bloom, “Establishment of the Arctic Council,” U.S. Department of State, <http://www.state.gov/g/oes/ocns/opa/arc/ac/>.

⁷⁷ Ronald O'Rourke, “Changes in the Arctic: Background and Issues for Congress,” Congressional Research Service, (October 15, 2010), 34.

⁷⁸ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 13.

“permanent participants” of the council.⁷⁹ The scientific work of the Council is carried out by six working groups focusing on such issues as monitoring, assessing and preventing pollution in the Arctic, climate change, biodiversity conservation and sustainable use, emergency preparedness and prevention in addition to the living conditions of the Arctic residents.⁸⁰ These working groups have produced a series of important assessments and declarations pertaining to climate change, development, resources, pollution and monitoring and assessment of the region’s ecosystems.⁸¹ Most notably is the 2009 Arctic Marine Shipping Assessment,

...which highlighted the environmental risks, especially from oil spills, but also from “ship strikes on marine mammals, the introduction of alien species, disruption of migratory patterns of marine mammals and anthropogenic noise produced from marine shipping activity.” The Assessment urged Arctic countries to liaise with international organizations, promote the development and mandatory application of the IMO guidelines, and harmonize domestic safety regimes. It also, importantly, recommended the development of “a comprehensive, multinational Arctic Search and Rescue (SAR) instrument, including aeronautical and maritime SAR, among the eight Arctic nations.”

Reports such as the Shipping Assessment and the Arctic Climate Impact Assessment, which reported that the average extent of sea-ice cover in summer had declined by 15 to 20 percent over the previous three decades,⁸² are playing an influential role in setting the policy agenda in the Arctic and framing issues for consideration at the policy level, both within and between states.⁸³

2. International Maritime Organization

Much like the Arctic Council’s promotion of cooperation, the International Maritime Organization (IMO) was established in 1948 to promote marine safety more effectively. The function of the IMO is:

⁷⁹ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 13.

⁸⁰ The Arctic Council, “Working Groups,” http://arctic-council.org/section/working_groups.

⁸¹ Dodds, “From Frozen Desert to Maritime Domain,” 13.

⁸² Byers, “Pax Arctica.”

⁸³ Young, “Whither the Arctic? Conflict or cooperation in the circumpolar north,” 79.

...to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships.⁸⁴

The IMO spent years negotiating a Code for shipping, but before the document was adopted in 2002, it was downgraded to a set of voluntary Guidelines for Ships Operating in Arctic Ice-Covered Waters.⁸⁵ The Arctic Council's Arctic Marine Shipping Assessment 2009 Report urges the Arctic nations to coordinate with international organizations, and to promote the development and mandatory application of IMO guidelines.⁸⁶ The IMO "provides important standards for ocean carriers in terms of safety, pollution prevention, and security."⁸⁷

The two major international institutions, one regional and the other functional, have different focuses: the Arctic Council is primarily concerned with cooperation focusing on environmental issues, whereas the IMO is focused on maritime safety throughout the Arctic nations. Nonetheless, the effect of both international organizations is to encourage cooperation among the Arctic nations. They promote policy discussion and generate proposals. They prescribe and legitimize processes for managing the issues involved; and they also provide means of adjudication or conciliation in the event of differences over the rules and decisions they generate.

C. COOPERATIVE STRATEGIES

Beginning in 2005, the Arctic nations began developing policies regarding Arctic security with an emphasis on cooperation. This section will describe the policies that reaffirm the commitment of the Arctic nations of Norway, Canada, Russia, and Denmark for cooperation in the Arctic.

⁸⁴ International Maritime Organization, "Introduction to IMO," <http://www.imo.org/About/Pages/Default.aspx>.

⁸⁵ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 14.

⁸⁶ Byers, "Conflict or Cooperation: What Future for the Arctic?," 19.

⁸⁷ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 14.

1. Norway

The Norwegian foreign policy for the High North begins with “one of the Government’s most important priorities in the years ahead will be to take advantage of the opportunities in the High North.”⁸⁸ In order to achieve this, the policy stresses international cooperation, especially with Russia in all areas regarding the Arctic such as: fisheries, petroleum resources, environmental issues, maritime safety, oil spill response, and emergency and rescue services.⁸⁹ Russia and Norway have been in dispute over the maritime boundary in the Barents Sea for 40 years, but for the past 30 they have been working together to resolve the dispute.⁹⁰ Section D of this chapter will show the result of the cooperation between Norway and Russia and how policies of cooperation reduce the possibility of conflict.

2. Canada

Like Norway, Canada also is implementing strategies that will align them to work cooperatively with the other Arctic nations. Canada views the Arctic as a fundamental part of its heritage, future, and national identity.⁹¹ In the mid-2000s, the Canadian government recognized that there was a need for a domestic policy for the Arctic in order to protect Canadian sovereignty and security in the Arctic. It was not until July 26, 2009, that Canada released its Northern Strategy which “was based on four “pillars,” one of which was “exercising Canada’s sovereignty.”⁹² The strategy stresses cooperation, diplomacy, and international law as the preferred approach in the Arctic. Canada continues to work closely with their Arctic partners to achieve the common goals for the region.⁹³ In particular, the U.S.

⁸⁸ Norwegian Ministry of Foreign Affairs, “The Norwegian Government’s High North Strategy,” December 1, 2006, <http://www.regjeringen.no/upload/UD/Vedlegg/strategien.pdf>, 5.

⁸⁹ Ibid., 19.

⁹⁰ Ibid., 18.

⁹¹ Government of Canada, “Canada’s Northern Strategy,” July 26, 2009, <http://www.northernstrategy.ca/cns/cns.pdf>, 1.

⁹² Huebert, “The Newly Emerging Arctic Security Environment,” 7.

⁹³ Government of Canada, “Canada’s Northern Strategy,” 33.

...remains an exceptionally valuable partner in the Arctic. Canada and the United States share a number of common interests in the Arctic, such as environmental stewardship, sustainable resource development and safety and security – including effective search and rescue services. We have a long history of effective collaboration and cooperation with the United States and continue to deepen cooperation on emerging Arctic issues, bilaterally and through the Arctic Council and other multilateral institutions.⁹⁴

In August of 2010, the Canadian government released a “Statement on Canada’s Arctic Foreign Policy” that articulates Canada’s interest in the Arctic, and how Canada will implement its Northern Strategy.⁹⁵ The Statement identifies that Canada is “working with Russia, Norway, Denmark, Sweden, Finland and Iceland to advance shared interests such as trade and transportation, environmental protection, natural resource development, the role of indigenous peoples, oceans management, climate change adaptation and scientific cooperation.”⁹⁶ The statement calls for an increase in military presence in the North that shows that Canada is committed to protect the North, but Canada “does not anticipate any military challenges in the Arctic and believes that the region is well managed through existing institutions, particularly the Arctic Council.”⁹⁷

3. Russia

In a similar fashion, Russia is publically committed to working with the other Arctic nations to work toward cooperation in the Arctic. On September 18, 2008, Russia’s president, Dmitry Medvedev, approved its *National Security Strategy of the Russian Federation until 2020*.⁹⁸ The policy emphasizes the importance of bilateral and multilateral cooperation and the need to strengthen good relations with neighboring

⁹⁴ Government of Canada, “Canada’s Northern Strategy,” 34.

⁹⁵ Government of Canada, “Statement on Canada’s Arctic Foreign Policy,” August 2010, http://www.international.gc.ca/polar-polaire/assets/pdfs/CAFP_booklet-PECA_livret-eng.pdf, 1.

⁹⁶ Ibid., 24.

⁹⁷ Ibid., 26.

⁹⁸ Katarzyna Zysk, “Russia’s Arctic Strategy: Ambitions and Constraints,” in Joint Force Quarterly (Issue 57, 2d Quarter, April 2010), <http://www.ndu.edu/press/jfq-57.html>, 104.

countries, in particular the “Arctic five.”⁹⁹ Recognizing that climate change will most likely continue and open up the Arctic to increased economic and industrial activity, Deputy Prime Minister Sergei Ivanov stated that “if we do not develop the Arctic, it will be developed without us.”¹⁰⁰

The Russian strategy also identifies the need for cooperation with other Arctic nations to prepare for the security challenges such as search and rescue capabilities, surveillance, and navigations systems. Russia also:

...stresses the importance of a continued military presence as essential for securing national interests in the Arctic...The document vaguely states that Russia needs to maintain a “necessary combat potential” in the North and reveals plans to establish special Arctic military formations to protect the country’s national interests “in various military and political situations.” The Russian authorities, however, underscore that the main purpose of such military preparations is to combat terrorism at sea, smuggling, illegal migration, and unsustainable use of aquatic biological resources.¹⁰¹

According to Dr. Katarzyna Zysk, a Senior Fellow at the Norwegian Institute for Defence Studies,

...the Arctic document has confirmed what Russian leaders have reiterated with increasing intensity: the region’s importance, first and foremost in economic and security dimensions. One conclusion to be drawn from the ambitious economic projects is that Russia, for purely material reasons, has an interest in maintaining the region as an area of international cooperation and in preserving its most important asset as the country’s future economic engine—its stability.¹⁰²

The Arctic is of great importance for Russian economic stability and Russia’s strategy indicates that Russian leaders believe it is in their best interests to maintain cooperation in

⁹⁹ Zysk, “Russia’s Arctic Strategy: Ambitions and Constraints,” 108.

¹⁰⁰ Ibid., 110.

¹⁰¹ Ibid., 107.

¹⁰² Ibid., 110.

the Arctic in order to maximize the benefits the Arctic has to offer. In order for this to be achieved, Russia needs to continue to build relationship with the other Arctic nations to maintain cooperation.

4. Denmark (via Greenland)

Lastly, Denmark (via Greenland) is also instituting cooperative strategies. Greenland, the world's largest island, is located in the North Atlantic Ocean and extends less than 500 miles south of the North Pole. On June 21, 2009, Greenland was designated as a self-governing overseas administrative division of Denmark. This designation allows Greenland to receive a greater percentage of oil and gas revenue and management of all domestic affairs. Denmark retained the management of foreign policy, foreign affairs, and security and defense of Greenland.¹⁰³ Currently, Denmark does not have a set policy with respect to the Arctic. In May of 2008, Denmark developed a proposal for a strategy for activities in the Arctic, which expresses cooperation, prior to hosting the Arctic Ocean Conference in Ilulissat, Greenland. The conference was held "in response to widespread misreporting about the possibility of conflict over seabed resources."¹⁰⁴ The participating countries were the Arctic coastal nations of Russia, Norway, Denmark, and the U.S. It was from this conference that the Ilulissat Declaration was adopted in which each country committed to resolve disputes peacefully within the existing framework of international law.¹⁰⁵ The signing of the Declaration "affirmed their aim of keeping the Arctic as a region of peace and cooperation and of settling overlapping territorial claims."¹⁰⁶

As discussed, each of the Arctic nations has begun to develop policies to enhance security and collaboration among each other. This section showed how national interests motivate the Arctic nations to work together collectively to take advantage of the opportunities in the Arctic. The implementation of the cooperative strategies shows that

¹⁰³ "Greenland," Encyclopedia Britannica online, <http://www.britannica.com/EBchecked/topic/245261/Greenland>.

¹⁰⁴ Byers, "Conflict or Cooperation: What Future for the Arctic?," 20.

¹⁰⁵ Ibid., 20.

¹⁰⁶ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 13.

each Arctic nation is heading in the direction of cooperation, and if this path continues, the Arctic as a whole will be able to operate jointly. The Ilulissat Declaration endorsed this principle when all Arctic nations agreed to settle disputes peacefully and within international law.

The next section will describe the most recently resolved territorial disputes in the Arctic, showing that cooperative words have been widely translated in cooperative deeds. This shows a clear trend towards cooperation rather than conflict.

D. SOON TO BE RESOLVED TERRITORIAL DISPUTES IN THE ARCTIC?¹⁰⁷

The three examples of the Lomonosov Ridge, the Barents Sea, and the Beaufort Sea described in this section strongly suggest that international law and institutions are playing a central role in Arctic politics. These Arctic nations abide by and adhere to the international laws that pertain to the Arctic. This is shown through Canada, Russia, and Denmark's decision to let the CLCS rule on the Lomonosov Ridge, through Russia and Norway's treaty to divide the Barents Sea, and the U.S. and Canada's cooperation to dissolve the Beaufort Sea dispute. All three disputes were resolved or are soon to be resolved peacefully and in accordance with international law as described in article 279 of the UNCLOS.¹⁰⁸

¹⁰⁷ The counterargument focusing on the territorial disputes that have the potential to end in conflict is discussed in detail in the following chapter.

¹⁰⁸ Article 279 is the obligation to settle disputes by peaceful means. It states that the States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means. United Nations, "The United Nations Convention on the Law of the Sea," Part XV, Article 279 (December 10, 1982), 129.



Figure 2. Lomonosov Ridge and Barents Sea dispute areas¹⁰⁹

1. Lomonosov Ridge – Canada, Russia, and Denmark

Canada and Russia have agreed to allow the CLCS to rule on their dispute over the Lomonosov Ridge, an undersea chain of mountains rising over 8000 feet above the Arctic floor and measuring over 900 nm in length (see Figure 2).¹¹⁰ Both of these

¹⁰⁹ Figure taken after John Abrahamson, “Joint Development of Arctic Ocean Oil and Gas Resources and the United Nations Convention on the laws of the Sea,” (presentation presented at the International Boundaries Research Unit Conference: The State of Sovereignty, Durham University, United Kingdom, April 2009), http://www.dur.ac.uk/resources/ibru/conferences/sos/john_abrahamson_powerpoint.pdf.

¹¹⁰ The references on the height and length of the Lomonosov Ridge were converted from meters and kilometers into feet and nautical miles. Both measures are approximate. Taken from Global Security.org, “Arctic Ocean,” <http://www.globalsecurity.org/military/world/war/arctic.htm>.

countries—and Denmark as well—argue that the ridge is an extension of their continental shelf, allowing them to exploit the significant amount of oil and natural gas underneath the Arctic floor. Canadian Foreign Minister Lawrence Cannon and Russian Foreign Minister Sergei Lavrov “reached an agreement to resolve the dispute over the Lomonosov Ridge in the Arctic Ocean based on the UN Convention on the Law of the sea, which requires scientific proof.”¹¹¹ Both foreign ministers said, “They were confident their respective country's claim would be upheld.”¹¹²

In 2001, Russia was the first to stake a claim, which included the Lomonosov Ridge, in the Arctic in accordance with the UNCLOS. Russia “submitted a claim to the United Nations for 460,000 square miles of resource-rich Arctic waters, an area roughly the size of the states of California, Indiana, and Texas combined.”¹¹³ The CLCS did not approve Russia’s claim for failure to submit original data and requested additional data and information to support the claim.¹¹⁴ If Russia is able to scientifically back their claim, they would legally control nearly one-half of the Arctic. Canada and Denmark disputed Russia’s claim on the Lomonosov Ridge. Canada claims that the ridge is part of the North American continent and Denmark claims it is a natural continuation of Greenland.¹¹⁵

Canada, Russia, and Denmark have launched expeditions to map the Arctic Ocean floor in an effort to provide scientific proof of their claim that the Lomonosov Ridge is an extension of their continental shelf. Russia is expected to submit its data to the UN in 2012–2013, Canada in 2013, and Denmark by the end of 2014. Each country is confident their claim will win approval. Once all of the data has been submitted, the CLCS will

¹¹¹ Global Security.org, “Russia, Canada back science to resolve dispute over Arctic claims,” September 16, 2010, <http://www.globalsecurity.org/military/library/news/2010/09/mil-100916-rianovosti02.htm>.

¹¹² BBC News, “Russia and Canada seek UN ruling on Lomonosov Ridge,” September 16, 2010, <http://www.bbc.co.uk/news/world-europe-11331904>.

¹¹³ Scott G. Borgerson, “Arctic Meltdown Subtitle: The Economic and Security Implications of Global Warming,” *Foreign Affairs*, 87, No. 2, (March 2008 – April 2008), 1.

¹¹⁴ Ariel Cohen, “From Russian Competition to Natural Resources Access: Recasting U.S. Arctic Policy”. *Backgrounders*, The Heritage Foundation, No. 2451, (June 15, 2010), 6.

¹¹⁵ Arctic Focus, “Arctic Region Facts.”

then make recommendations about establishing the outer limit.¹¹⁶ It appears that the Lomonosov Ridge will remain an area of dispute until at least 2014 at which point the Arctic ice could be at a point that the resources are available to be extracted. If that were to happen, these countries would have to either cooperate and jointly extract the resources in the disputed areas or extract the resources with complete disregard to the other nations which would create conflict between them. The three nations' recent history of working together suggest that the latter of two is highly unlikely.

2. Barents Sea – Russia and Norway

On September 15, 2010, Russia and Norway settled a 40-year long dispute over their disagreement over the maritime border in the Barents Sea and Arctic Ocean (see Figure 2). The treaty was signed by Russia's president, Dmitri A. Medvedev, and Norway's Prime Minister, Jens Stoltenberg. It will take effect once both Parliaments ratify the treaty. Prior to signing the treaty, President Medvedev stated, "I believe this will open the way for many joint projects, especially in the area of energy," and the Norwegian prime minister added, "this is a confirmation that Norway and Russia, two large polar nations, do not have a policy about racing, but a policy about cooperation."¹¹⁷

The area in dispute is between the Russian Novaya Zemlya archipelago and the Norwegian Svalbard archipelago, which is a "valuable territory in the rush to develop petroleum deposits under the Arctic Ocean."¹¹⁸ The treaty divides the 67,600 square mile disputed area nearly in half to each country and "it spells out fishing rights, and provides for the joint development of future oil and gas finds that straddle the boundary line."¹¹⁹ Prior to this treaty, "Russian and Norwegian ships have been detained in the disputed area on accusations of violating fishing regulations as maritime borders between

¹¹⁶ BBC News, "Arctic summit in Moscow hears rival claims," September 22, 2010, <http://www.bbc.co.uk/news/world-europe-11387175>.

¹¹⁷ Walter Gibbs, "Russia and Norway Reach Accord on Barents Sea," The New York Times, April 27, 2010, http://www.nytimes.com/2010/04/28/world/europe/28norway.html?_r=1.

¹¹⁸ Andrew E. Kramer, "Russia and Norway Agree on Boundary," The New York Times, September 15, 2010, <http://www.nytimes.com/2010/09/16/world/europe/16russia.html>.

¹¹⁹ O'Rourke, "Changes in the Arctic: Background and Issues for Congress," 12.

the two countries remained undemarcated.”¹²⁰ Once the treaty enters into force, it should serve to prevent any fishing vessels from being detained in the future.

The treaty was supposed to be ratified simultaneously by the Norwegian and the Russian Parliaments in mid-December 2010; however, it was delayed by both countries until sometime in 2011 due to more time needed to send the treaty through the Parliament process.¹²¹ Norway ratified the treaty on February 8, 2011, two days before Russian President Dmitri Medvedev sent a package of documents pertaining to the treaty to the Russian parliament for ratification. In the documents, President Medvedev wrote that “the Treaty with Norway creates positive political and legal conditions for deepening cooperation in sectors as fishing and joint exploitation of transboundary petroleum deposits.”¹²² The date for ratification has yet to be announced, but this collaboration between the two countries is a step in the right direction towards continued cooperation among all Arctic nations.

3. Beaufort Sea – U.S. and Canada Dispute

Another Arctic dispute soon to be resolved is between the U.S. and Canada concerning the Beaufort Sea,¹²³ which is located between Alaska and the Yukon Territory, straddling their common international maritime boundary (see Figure 3). The U.S. argues the land boundary between Alaska and the Yukon Territory does not extend into the ocean as a maritime boundary. The U.S. believes that the maritime boundary is a line perpendicular to the Alaskan coast out to 200 nm, while Canada argues that the maritime boundary is an extension of the land boundary at 141°W longitude. The difference in boundaries creates a wedge-like area that covers 6,250 nm² (nautical square

¹²⁰ GlobalSecurity.org, “Russia, Norway reach agreement to divide Arctic territories — Norwegian premier,” April, 27, 2010, <http://www.globalsecurity.org/military/library/news/2010/04/mil-100427-rianovosti02.htm>.

¹²¹ Barents Observer, “Ratification of Barents Sea border deal postponed,” December 9, 2010, <http://www.barentsobserver.com/ratification-of-barents-sea-border-deal-postponed.4858694-16149.html>.

¹²² Barents Observer, “Time for ratification in Moscow,” February, 11, 2011, <http://www.barentsobserver.com/time-for-ratification-in-moscow.4884086.html>.

¹²³ The Beaufort Sea dispute is considered one of four current disputes in the Arctic. The other three disputes will be discussed in Chapter III.

miles) of potential oil and gas¹²⁴ that both countries would like to claim. “Canada claims an extension of the land boundary into the Sea based on its interpretation of the 1825 Convention between Great Britain and Russia, which sold Alaska to the U.S. in 1867, while the U.S. bases its claim on a laterally boundary line equidistant from the low-water line of each country’s coast.”¹²⁵ This dispute dates back to 1976 when the U.S. extended its EEZ out to the 200 miles as did Canada in 1977, and the dispute was discovered when each country used different lines to extend their EEZ.¹²⁶

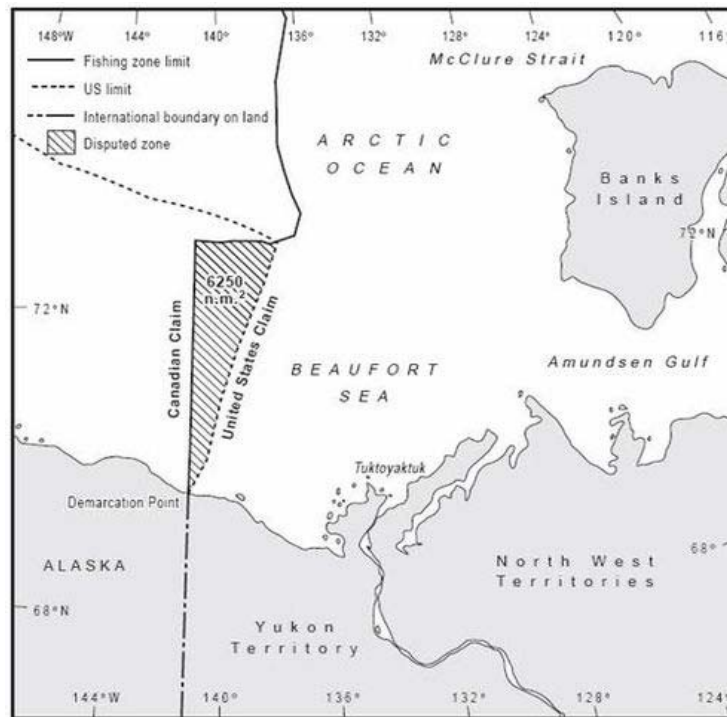


Figure 3. Beaufort Sea dispute¹²⁷

¹²⁴ Michael Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, (Vancouver, Canada: D&M Publishers Inc.:2009), 98–99.

¹²⁵ P. Whitney Lackenbauer, “From Polar Race to Polar Saga: An Integrated Strategy for Canada and the Circumpolar World,” Canadian International Council: Foreign Policy for Canada’s Tomorrow, No. 3, July 2009, <http://dspace.cigilibrary.org/jspui/bitstream/123456789/23860/1/From%20polar%20race%20to%20polar%20saga.pdf>.

¹²⁶ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 98.

¹²⁷ Figure taken from Arctic Economics, “Where is the Beaufort Sea boundary between the U.S. and Canada?,” http://benmuse.typepad.com/arctic_economics/2009/08/us_canada_beaufort_sea_boundary.html.

Even though the dispute has been unresolved for over three decades, both countries have shown restraint,¹²⁸ and there have not been any major incidents in the area of dispute. However, there have been diplomatic protests from Canada when the U.S. government tried to auction oil and gas leases in the disputed area. Due to the area being in dispute, no bids were received. In April 2009, Canada also protested when Alaska attempted to auction the rights to explore for oil and gas in the disputed area, and again four months later when the U.S. government announced a moratorium on commercial fishing in the Beaufort Sea, which included the disputed area.¹²⁹ Due to the amount of hydrocarbons available and the need to map the area, Canada and the U.S. have been cooperating in the process of determining where the boundary should be located.

Since 2008, Canada and the United States have been cooperating in the mapping of the continental shelf in the northern Beaufort Sea in preparation for submitting claims to the UN Commission on the Limits of the Continental Shelf. This cooperation has extended to the pairing of Canadian and U.S. Coastguard icebreakers which alternate in breaking ice for each other, so that sensitive equipment can be used to collect scientific information without being disrupted by the noise and vibration caused by contact with the ice.¹³⁰

This dispute has been going on for quite some time, and in July 2010 Canada and the U.S. held quiet negotiations to resolve the Beaufort Sea dispute with the approval of the Canadian Foreign Minister Lawrence Cannon and U.S. Secretary of State Hillary Clinton, and a second meeting is scheduled to take place in 2011 in Washington D.C.¹³¹ The U.S. and Canada have a great deal to gain by resolving this dispute rather than being in conflict with one another. If the resolution of the Beaufort Sea cannot be negotiated, the U.S. and Canada are more likely to agree to disagree.

¹²⁸ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 101.

¹²⁹ James Baker and Michael Byers, "The Beaufort Sea Boundary Dispute: Identifying and Assessing Options," Michael Byers on Politics, February 25, 2010, <http://byers.typepad.com/files/baker-byers-discussion-paper-25-feb-2010.pdf>.

¹³⁰ Baker and Byers, "The Beaufort Sea Boundary Dispute: Identifying and Assessing Options."

¹³¹ Sian Griffiths, "US-Canada Arctic border dispute key to maritime riches," BBC News, August 2, 2010, <http://www.bbc.co.uk/news/world-us-canada-10834006>.

E. CONCLUSION

There are a number of interstate structures in place which act as motors of cooperation in the Arctic. There is international law, particularly in the form of UNCLOS and its established bodies; the Arctic Council; and the IMO. All are instrumentalities of the international governance in the Arctic and all collectively promote cooperation among the Arctic nations. In addition, the cooperative strategies implemented by each of the Arctic nations, with the exception of the U.S., were detailed along with examples of recently resolved disputes through the governing international laws.

UNCLOS, often called the constitution for the oceans, is the principal law governing the Arctic. In addition, UNLCOS is an international agreement among the Arctic nations—excluding the U.S.—that defines the rights and responsibilities of Arctic nation in their use of the world’s ocean by guiding legal cooperation.¹³² Established by the UNLCOS are the three bodies of CLCS, ISA, and the International Tribunal for the Law of the Sea that each specifically focuses on different aspects the Arctic that emphasis cooperation. The CLCS focuses on the limits of the continental shelf beyond 200 miles, the ISA focuses on the resources available in the Arctic, and the International Tribunal for the Law of the Sea provides guidance on the settlement of disputes while maintaining the goal of cooperation. Similar to UNLCOS and its bodies, the international institutions of the Arctic Council and the IMO share the goal of cooperation in the Arctic. The Arctic Council concentrates on the areas of cooperation, coordination, and interaction among the Arctic nations, while the IMO promotes maritime safety, which leads to cooperation.

Dating back to 2005, the Arctic nations began developing strategies confirming their commitment to cooperation. Each policy implemented by the Arctic nations reduces the possibility of conflict by focusing primarily on cooperation. Examples of recent territorial disputes that have been resolved through international law were examined, illustrating not only the importance of observing the international laws, but also that the Arctic is heading towards cooperation,

¹³² Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 14–15.

This chapter examined evidence that the future of the Arctic will most likely be characterized by cooperation. The governing international law regime, the cooperative strategies adopted by the vast majority of Arctic nations, and the examples of the resolved territorial disputes all provide strong evidence for the hypothesis that the future Arctic will be a zone of cooperation.

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III. POTENTIAL FOR CONFLICT

As the counterargument to Chapter II, this chapter examines the hypothesis that the future of the Arctic is most likely to be one of conflict. This view focuses on territorial disputes over shipping channels, navigable waterways, stakes to a territorial claim, and maritime boundary issues. The territorial disputes may lead to conflict if the Arctic nations do not work together to resolve the issues at hand. Another important topic is Russia's heavy dependence on Arctic oil and gas deposits, an issue that is highly problematic. Russia is at the forefront of this chapter due to the scale of both its dependency and its impact on the Arctic, which is greater in both respects than any other Arctic nation.¹³³ Then this chapter will address another major issue, the militarization of the Arctic by littoral nations. They are increasing their capabilities and assets in the Arctic in order to gain strategic advantage over their Arctic neighbors.

Before the end of the Cold War in 1991, the Russian government did not allow for the possibility of cooperation with capitalist regimes, but supported international movements to displace them communism. Over many decades and in defense of these movements, the government maintained massive defensive forces in anticipation of war. Has the new government completely moved away from its old doctrine? In relation to the way history and the future interrelate, Charles Emmerson's book, *The Future History of the Arctic*, states that "the past does not determine the future but molds it."¹³⁴ If the past is anything like the future, then Russia will likely be aggressive and uncooperative. The number of potential flashpoints on this side of the spectrum shows that the Arctic can potentially end in conflict unless the Arctic nations work energetically together to find cooperative means of conflict resolution.

The intent of this chapter is to explore the potential for conflict in the Arctic. The first section of this chapter discusses the current territorial disputes between some of the Arctic nations, the second section describes Russia's dependency on the oil and gas in the

¹³³ Emmerson, *The Future History of the Arctic*, 221.

¹³⁴ Ibid., xvi.

Arctic, and the third section examines the military capabilities of each Arctic nation. There are several major reasons why conflict may occur: first, there are a number of unresolved disputes in the Arctic; second, Russia is growing increasingly dependent on the Arctic; third, a number of countries are increasing their military and security presence in the Arctic.

A. TERRITORIAL DISPUTES IN THE ARCTIC

Certain areas of the Arctic are particularly prone to territorial disputes, such as the Northwest Passage and the areas between neighboring littoral states where maritime boundaries abut against each other. Each dispute has a differing effect on the Arctic, depending on which nations are in dispute, but all will most likely lead the Arctic towards conflict. There are currently four Arctic territorial disputes, three of which will be discussed below:¹³⁵ the Northwest Passage dispute between the U.S. and Canada, the Bering Sea dispute between the U.S. and Russia, and the Hans Island dispute between Canada and Denmark. If these territorial disputes are not resolved, the end result could be conflict. The U.S. is in two disputes with Canada¹³⁶ and, as explained in Chapter I, the U.S. is hampered in its ability to make a maritime claim or argue a disputed claim unless it ratifies the UNCLOS. As a result, unless the U.S. and Canada reach a bilateral agreement, they will continue to be in conflict over the Northwest Passage and the Beaufort Sea.

These disputes represent potential flashpoints between the countries involved, especially in the summer months when the ice melt is at its greatest and when commercial fishing and shipping are in their peak season. These disputes, mostly in the southern portion of the Arctic, are due to the increasing accessibility of the Arctic and the vast amount of natural resources available in the area. The countries involved in the disputes each want access to the different shipping channels, to navigable waterways, to stake a territorial claim on a specific area, or to claim international maritime boundaries.

¹³⁵ The Beaufort Sea dispute between the U.S. and Canada, discussed in Chapter II, is one of the four Arctic territorial disputes. However, both countries are cooperating in the mapping of the Beaufort Sea to resolve this dispute in the near future.

¹³⁶ The second dispute between the U.S. and Canada is the Beaufort Sea dispute.



Figure 4. Northwest Passage and Hans Island¹³⁷

1. Northwest Passage – U.S. and Canada Dispute

The Northwest Passage (see Figure 4) is a sea route that connects the Pacific and the Atlantic Oceans via the Arctic Ocean. The Passage runs along the northern coast of the U.S. (via Alaska) and Canada and offers a route from the Pacific Ocean to the Atlantic Ocean. This direct route is over 4,000 miles shorter than going through the Panama Canal. Canada has long thought of the Passage as “internal waters” since the Passage cuts between thousands of Canadian islands. However, the U.S. considers the Passage as an international strait, which means that foreign vessels have a right of “transit passage” similar to other straits around the world.¹³⁸ “U.S. officials say they are

¹³⁷ Figure taken from Francis Harris, “Canada flexes its muscles in dispute over Arctic wastes,” The Telegraph, August, 22, 2005, <http://www.telegraph.co.uk/news/worldnews/northamerica/canada/1496727/Canada-flexes-its-muscles-in-dispute-over-Arctic-wastes.html>.

¹³⁸ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 42.

following a long-standing position in favor of keeping straits free to all navigation and want unimpeded movement of U.S. ships.”¹³⁹ This has been a long dispute between the U.S. and Canada and a serious concern for Canada, due to the rate of the ice melt, possibly causing the Passage to be navigable year round by as early as the summer of 2013.¹⁴⁰

Presently, even though the two countries are in dispute over the Northwest Passage, both countries have an agreement that allows travel through the Passage. The dispute dates back to 1969, when the U.S. government sent the *SS Manhattan*, an ice-strengthened super tanker, and the United States Coast Guard (USCG) icebreaker *Northwind* through the Northwest Passage as an experimental voyage to see if it was a possible route to ship oil from Alaska to the Atlantic Ocean. The U.S. did not ask for Canada’s permission prior to sending the vessels through the Passage because at that time Canada was only claiming a three mile territorial sea, and the U.S. did not intend to enter Canadian waters.¹⁴¹ Byers writes, “Although permission had not been requested, Ottawa granted it anyways, and then sent a Canadian icebreaker – the *John A. Macdonald* – to provide assistance if necessary.”¹⁴² The *Manhattan* became trapped on many occasions and required the assistance of the Canadian icebreaker. In order for the *Manhattan* to safely transit back through the Passage, the *Manhattan* had to travel through Canadian territorial waters and did so with the assistance from the Canadian icebreaker.

Because of this incident and the fear of pollution from vessel traffic through the Passage, the following year,

...the Canadian government adopted the 1970 Arctic Waters Pollution Prevention Act (AWPPA), which imposed strict safety and environmental requirements on all shipping within a 100 nautical miles of the Canadian Arctic coast. The Act was, at the time contrary to international law, which

¹³⁹ Doug Struck, “Dispute Over NW Passage Revived, U.S. Asserts Free Use by All Ships; Canada Claims Jurisdiction,” The Washington Post, November 6, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/05/AR2006110500286.html>.

¹⁴⁰ Borgerson, Statement Before the Committee on Foreign Affairs, House of Representatives, Washington, D.C. (March 25, 2009), 10.

¹⁴¹ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 44–45.

¹⁴² *Ibid.*, 45.

did not recognize coastal state rights in the waters beyond 12 nautical miles from shore. Indeed, the Canadian government effectively admitted that the Act was inconsistent with international law when, shortly before adopting the statute, it modified its pre-existing, general acceptance of the jurisdiction of the International Court of Justice in order to block the matter from being litigated there.¹⁴³

Consequently, the U.S. protested that the Act was invalid according to international law. However, the AWPPA dispute receded after the adoption of the UNCLOS in 1982 in which Article 234

...allows coastal states to enact laws against maritime pollution out to 200 nautical miles when almost year-round ice creates exceptional navigational hazards....(and prompted) the development of a parallel rule of customary international law that binds all countries, including those, like the United States, that have not ratified UNCLOS.¹⁴⁴

In 2003, the Canadian government ratified the UNCLOS because the government “decided that it was safe to once again accept the jurisdiction of the International Court of Justice unconditionally.”¹⁴⁵ Furthermore, “the United States has accepted the Arctic Waters Pollution Prevention Act, insofar as it recommends that U.S. flagged merchant vessels follow the statute’s provision,”¹⁴⁶ but has yet to ratify the UNCLOS.

Controversy rose again in 1985, when the U.S. chose to inform the Canadian government rather than asking permission to send the USCG icebreaker Polar Sea through the Northwest Passage. According to Byers, “The U.S. government was clear about its legal position, stating that the voyage would be ‘an exercise of navigational rights and freedoms not requiring prior notification.’ It suggested that the two countries ‘agree to disagree on the legal issues and concentrate on practical matters.’”¹⁴⁷ The Canadian government responded by reiterating that the Northwest Passage was Canadian internal waters; however, the Canadian government granted the U.S. permission to go

¹⁴³ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 46.

¹⁴⁴ *Ibid.*, 47.

¹⁴⁵ *Ibid.*, 47.

¹⁴⁶ *Ibid.*, 47.

¹⁴⁷ *Ibid.*, 51.

through the Passage. Consequently, this decision did not go over well with Canadian politicians and nationalists who thought that the U.S. was interfering with Canadian sovereignty.¹⁴⁸

In response to the Polar Sea controversy, the U.S. and Canada signed the Arctic Cooperation Agreement in 1988. The agreement states that

...the United States pledges that all navigation by U.S. icebreakers within waters claimed by Canada to be internal will be undertaken with the consent of the Government of Canada....Nothing in this agreement of cooperative endeavour between Arctic neighbours and friends nor any practice thereunder affects the respective positions of the Governments of the United States and of Canada on the Law of the Sea in this or other maritime areas or their respective positions regarding third parties.¹⁴⁹

The Arctic Cooperation Agreement did not resolve the sovereignty issues for Canada, but it simply was a formal agreement to disagree on the status of the Northwest Passage.¹⁵⁰ As a result, Canada chose to ignore USCG vessels and U.S. nuclear submarines that travel through the Passage.

As the ice continues to melt, Canada is becoming more concerned with having “sole jurisdiction over the Northwest Passage and wants to enforce its own laws on ships in the Arctic waters. Canadian officials argue that their authority over the myriad channels and straits...is the best way to minimize unsafe ships and accidental spills in the pristine North.”¹⁵¹ In 2005, then U.S. Ambassador to Canada, Paul Cellucci, asked the State Department to re-examine the U.S. legal position concerning the Northwest Passage. “After his term in Ottawa was over, Cellucci made his personal views clear, stating: ‘it is in the security interests of the United States that it [the Passage] be under the control of Canada.’”¹⁵² Cellucci thought that if the U.S. is not cooperating and playing by

¹⁴⁸ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 51–52.

¹⁴⁹ The United Nations Treaty Collections, “Agreement on arctic cooperation. Signed at Ottawa on 11 January 1988,” http://untreaty.un.org/unts/60001_120000/30/4/00058175.pdf.

¹⁵⁰ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 57.

¹⁵¹ Struck, “Dispute Over NW Passage Revived.”

¹⁵² Michael Byers, “Conflict or Cooperation: What Future for the Arctic?,” in *Swords and Ploughshares Global Security, Climate Change, and the Arctic*, edited by Matthew A. Rosenstein, (University of Illinois at Urbana–Champaign, Volume XVII / No. 3 / Fall 2009), 20.

Canada's rules, then conflict would erupt, and Canada would increase its security forces and limit the amount of activity allowed by the U.S. However, Cellucci's comments prompted the then "U.S. ambassador, David Wilkins, to restate U.S. insistence that the Northwest Passage is an international strait."¹⁵³ Canada reaffirmed its commitment to protect its sovereignty in December 2009, when,

...Canada's House of Commons unanimously passed a bill to rename the country's Arctic sea route the 'Canadian Northwest Passage,' symbolically asserting authority over the disputed waterway and firmly claiming it as an internal strait. However, the United States, Russia, and the European Union all believe the passage should be considered an international waterway."¹⁵⁴

Throughout the years, the two countries have mostly chosen to ignore their differences. However, as their national interests at stake in the Arctic become more important and if the dispute over the Northwest Passage is not resolved, it could severely hurt the relationship between the U.S. and Canada, leading to conflict in the region.

2. Bering Sea – U.S. and Russia Dispute

The dispute between the U.S. and Russia dates back to 1867 when the U.S. purchased Alaska from Russia, and the Bering Sea is at the heart of the current dispute. In the purchase agreement, the maritime boundaries were not clearly defined, making both countries misinterpret the boundary in the Bering Sea. "Because each country interpreted the line described in the 1867 Treaty as a straight line, the Soviet Union depicted the Bering Sea marine boundary as a rhomb line on a Mercator projection whereas the U.S. used a geodetic line on a conical projection."¹⁵⁵ This misinterpretation created an area of dispute the size of 15,000 nm², which is the area disputed today. The original maps used to create the maritime border were lost; therefore, the dispute could not be resolved without the original maps. After both countries implemented the 200 nm EEZ in 1977, they agreed to respect "each other's interpretation of the 1867 Treaty as an

¹⁵³ Struck, "Dispute Over NW Passage Revived."

¹⁵⁴ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 16.

¹⁵⁵ Vlad M. Kaczynski, "US-Russian Bering Sea Marine Border Dispute: Conflict over Strategic Assets, Fisheries and Energy Resources," in *Russian Analytical Digest* (No. 20, May 1, 2007), 2.

interim measure, and negotiations began in the early 1980s to resolve the differing interpretations.”¹⁵⁶ Professor Vlad M. Kaczynski’s study, “U.S.-Russian Bering Sea Marine Border Dispute: Conflict over Strategic Assets, Fisheries and Energy Resources,” states that the negotiations lasted nearly a decade and ended with the 1990 Maritime Boundary Agreement (see Figure 5).

The 1990 agreement split the difference between the U.S. claim to a geodetic line and the Soviet claim to a rhomb line. Although both countries ceded territory from their previous claims, the U.S. still controlled a far greater amount of area in the Bering Sea than if the new agreement had been based on the equidistant line principle normally used in international boundary disputes.¹⁵⁷

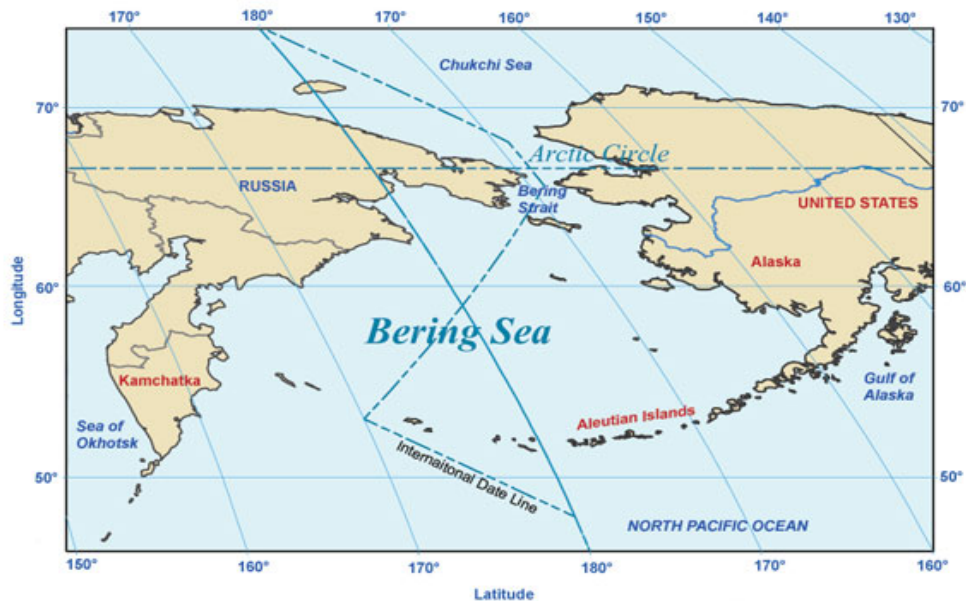


Figure 5. Bering Sea maritime boundary according to the 1990 Agreement¹⁵⁸

The 1990 Agreement was signed by both Russia and the U.S., and the U.S. Senate ratified the pact in 1991; however, Russia has yet to ratify the Agreement.¹⁵⁹ Russian

¹⁵⁶ Kaczynski, “US-Russian Bering Sea Marine Border Dispute,” 3.

¹⁵⁷ Ibid., 3.

¹⁵⁸ Figure taken from Arctic Focus, “Arctic Region Facts.”

¹⁵⁹ O'Rourke, “Changes in the Arctic: Background and Issues for Congress,” 12.

critics of the Agreement believe that the treaty was hastily negotiated so that it could be signed at the 1990 White House Summit. Also, the critics feel that the Agreement is not in Russia's best interests because of lost fishing grounds, less potential oil and gas fields, and a limited area for submarines to operate.¹⁶⁰ Even though the both countries are in disagreement, there have been very few incidents of controversy in the Bering Sea. It is not uncommon for the Russian fishing vessels to enter U.S. waters to illegally fish, be interdicted by the USCG, or be escorted to a U.S. port or away from the fishing grounds. For example, on August 1, 1999, the USCG Cutter *Hamilton*,

...attempted to seize the Russian fishing trawler *Gissar* in the Bering Sea for fishing in U.S. waters. The *Gissar* then attempted to return to Russian waters, whereupon a boarding team from the *Hamilton* boarded the trawler. Soon thereafter, up to 19 other Russian trawlers surrounded the two vessels, thereby prohibiting the *Hamilton* from taking the *Gissar* to a U.S. port. The *Hamilton's* boarding crew was removed from the *Gissar* and the *Gissar* was turned over to the Russian Border Guard vessel *Antius*.¹⁶¹

The U.S. is using the 1990 Agreement as leverage, and maintains that the Agreement is binding and constitutes the maritime border. According to the U.S. State Department,

...the United States regularly holds discussions with Russia on Bering Sea issues, particularly issues related to fisheries management, but these discussions do not affect the placement of the U.S.-Russia boundary or the jurisdiction over any territory or the sovereignty of any territory. The United States has no intention of reopening discussion of the 1990 Maritime Boundary Agreement.¹⁶²

As a result, the U.S. will continue to operate on these terms. Professor Vlad M. Kaczynski's believes that the Russian perspective is that there is not a binding Maritime Border Agreement "between the two countries although international law favors the U.S. position. However, absent ratification of the 1990 agreement or other arrangements, this

¹⁶⁰ Kaczynski, "US-Russian Bering Sea Marine Border Dispute," 4.

¹⁶¹ United States Coast Guard, "Daily Chronology of Coast Guard History," http://www.uscg.mil/history/Chronology_Aug.asp.

¹⁶² U.S. Department of State, "Status of Wrangel and Other Arctic Islands," September 8, 2009, <http://www.state.gov/p/eur/rls/fs/128740.htm>.

conflict in the Bering Sea will likely continue.”¹⁶³ Even though this dispute is not an issue for either the U.S. or Russia currently, nonetheless, the dispute is present until the U.S. and Russia reach an agreement. This dispute has the potential to be problematic for both countries, if Russia does not consider the ratification of the Maritime Border Agreement.

3. Hans Island – Canada and Denmark Dispute¹⁶⁴

The area of concern in this dispute is Hans Island, a small island located in the middle of the Nares Strait that separates Canada’s Ellesmere Island from Greenland (see Figure 4). The dispute is between Canada and Denmark over who has the territorial rights to this island. In 1973, Canada and Denmark established a Delimitation Treaty that divided the ocean floor between the two countries “down the middle, using an equidistance line defined by 127 turning points.”¹⁶⁵ Due to the difference of opinion concerning Hans Island during negotiations, the island was purposely left out of the treaty. The delimitation line stopped at the low water mark on both sides of the island leaving the island unclaimed. The dispute over Hans Island does not have any implications for the location of the maritime boundary between Canada and Denmark; however, the island was nearly forgotten about until the early 1980s when Canada issued a permit for Dome Petroleum to study the effect of the sea ice being pushed up against Hans Island. The following year, the Danish Minister for Greenland, Tom Hoyem, planted a Danish flag on Hans Island. Canada’s response to the flag planting was to have a diplomatic protest.¹⁶⁶

¹⁶³ Kaczynski, “US-Russian Bering Sea Marine Border Dispute,” 5.

¹⁶⁴ This dispute is located in the Arctic, but does not necessary have a direct effect on the Arctic as the other mentioned disputes because ownership of Hans Island does not benefit either country with regards to the natural resources or change any maritime border.

¹⁶⁵ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 22.

¹⁶⁶ *Ibid.*, 23–27.

Dr. Rob Huebert describes the situation in his report, “The Newly Emerging Arctic Security Environment,” as such,

...up until the commissioning of the Danish *Thetis* class frigates, the dispute was characterized by the occasional visit to the island by a Canadian or Danish official or scientist. The two sides would often leave a bottle of their national drink as a “claim,” thereby illustrating the good-natured approach that both sides employed. Soon after the commissioning of *Thetis*, however, the Danish Government deployed her to Hans Island to land troops to strengthen the Danish claim. This was then followed in 2003 with a visit by her sister ship the *Triton*. The Canadian Government responded in July 2005 by flying its Minister of Defence, Bill Graham, to land on the island with Canadian troops. At this point both governments recognized that the issue was escalating and met in New York in September 2005 and agreed to avoid any further military activity. Both sides now inform each other of any action that they plan to take in regards to the island.¹⁶⁷

A joint statement released by Canada and Denmark in September of 2005 stated that both countries have agreed to work together in an effort to reach a long term solution to the Hans Island dispute and are firmly committed to a peaceful resolution.¹⁶⁸

This incident illustrates that even in circumstances involving allied states that are on friendly terms, the addition of new military capabilities can often escalate tensions and lead to changes in control. There is little that Hans Island offers to either state, yet the issue commanded significant attention from the leaders of both states. So even for insignificant issues, insertions of new forms of power can be important even among friends.¹⁶⁹

Presently, the dispute has not been resolved and until the dispute is resolved, the two countries will continue to claim Hans Island as their own. These two countries have already shown that if a dispute remains unresolved between allied countries there is still a potential for conflict.

¹⁶⁷ Huebert, “The Newly Emerging Arctic Security Environment,” 10–11.

¹⁶⁸ Byers, *Who Owns the Arctic? Understanding Sovereignty Disputes in the North*, 28.

¹⁶⁹ Huebert, “The Newly Emerging Arctic Security Environment,” 11.

B. RUSSIA'S DEPENDENCY ON ARCTIC OIL AND GAS

The end of the Cold War led to a severe decline in the Russian economy and capabilities in the Arctic. As a result, the decline in the economy led to Russia's Northern Fleet being cut by 40 percent due to limited amount of money available for upkeep¹⁷⁰ and Russian Arctic research was put on hold until 2003.¹⁷¹ Ever since the fall of the Soviet Union, Russia has been looking for opportunities to restore the nation to the superpower status it once boasted. "As Russia reemerges from decades of economic stagnation and considers its national future, the Arctic is, once again, a central focus. The Russian vision of the Arctic is a source of material strength and national power – rather than simply a wilderness of ice – remains very much alive."¹⁷² In order for Russia to regain its superpower status, it needs the Arctic to become self-sufficient and remain abundant with rich resources.

Due to being the world's largest gas producer and exporter and the second largest oil producer and exporter, Russia is currently an energy superpower. In order to continue being an energy superpower, Russia has identified the extraction of Arctic oil and gas as key to the restoration of Russia's status.¹⁷³ "Arctic development is essential to Russia's continued status as an energy superpower. Without Arctic oil, Russia's output will stagnate and decline. Without Arctic gas, a manageable shortfall in production will turn into an unsustainable deficit in its ability to export."¹⁷⁴ However, "Russia's political and economic leadership wants to avoid the over dependency on oil and gas exports that ultimately caused the Soviet economy to collapse. But apart from oil and gas, Russia has little the world wants. Oil and gas represent a greater share of Russia's national exports than for any other Arctic country."¹⁷⁵ In order to achieve superpower status, Russia has

¹⁷⁰ Global Security.org, *Northern Fleet*, <http://www.globalsecurity.org/military/world/russia/mf-north.htm>

¹⁷¹ Emmerson, *The Future History of the Arctic*, 55.

¹⁷² *Ibid.*, 57.

¹⁷³ *Ibid.*, 171.

¹⁷⁴ *Ibid.*, 208.

¹⁷⁵ *Ibid.*, 197.

to continue to take control of the oil and gas industry with minimal participation from the private sector. Russia believes that Arctic oil and gas extraction needs to be defined as a national project led by Russian companies to be used as a strategic necessity and political leverage.¹⁷⁶

As a last resort, the Soviet Union attempted to boost its economy in the late 1980s, and the Soviet oil and gas industry began to open up to foreign companies. This did not save the Soviet Union, but raised the prospect of cooperation between the Soviet Union and the West. In post Soviet Union oil industry, deals and investments with foreign companies were made to develop the fields above the Arctic Circle, and it was only a matter of time before oil and gas was being produced. In 1994, U.S. President Bill Clinton and Russian President Boris Yeltsin supported “the organization of a Western consortium of oil companies — Texaco, Exxon, Amoco, and NorskHydro — to develop Russia’s Arctic Timan-Pechora reserves more widely.”¹⁷⁷ At the G7 summit of that year, the two presidents announced that this project was the top priority in the oil and gas sector.¹⁷⁸ However, soon after Vladimir Putin came to power in late 1999, he implemented his own system in which state power reclaimed the management of natural resources for the development of the Russian economy.¹⁷⁹ Putin renounced production-sharing agreements with foreign oil and gas companies referring to them as “colonial” and most deals with western oil companies for access to Russia’s Arctic resources have been disbanded and most western companies have been forced to relinquish control and accept secondary status against Russian companies.¹⁸⁰

The two companies that were on top of Russia’s reassertion of state control on the oil and gas industry were “Gazprom and Rosneft – both public companies in which the state holds controlling shares and both closely tied to political interests deep in the fabric

¹⁷⁶ Emmerson, *The Future History of the Arctic*, 198–211.

¹⁷⁷ Emmerson, *The Future History of the Arctic*, 210.

¹⁷⁸ Ibid., 210–211.

¹⁷⁹ Ibid., 202–203.

¹⁸⁰ Ibid., 203–211.

of the Russian state.”¹⁸¹ In August 2008, Russia’s new President Dmitry Medvedev, signed into law that the government can allocate strategic oil and gas deposits on the continental shelf without auction to any company as long as that company had five years experience working in the Russian continental shelf. The only two companies that fit that criterion were Gazprom and Rosneft.¹⁸² However, more recently due to the world economic crisis, Russia has began seeking foreign investment for Arctic gas and oil development, but Russian companies will retain both ownership and control of the oil and gas fields. The foreign companies will only own a portion of the resources extracted from the fields. For example, the French owned company Total signed an agreement for 25 percent of the first phase of the Shtokman project which is the building of a liquefied natural gas (LNG) pipeline and liquefaction plant. Norway’s company StatoilHydro was signed on for 24 percent of the same project. These companies will manage the project and receive their resources as part of their national reserves.¹⁸³

Russia’s control of the oil and gas industry in the Russian Arctic fall within the government’s strategy to use those natural resources to promote Russian power and influence abroad, especially in Europe.¹⁸⁴ The Organisation for Economic Co-operation and Development (OECD) is an international economic organization that supports economic and world trade growth. European gas production is decreasing while demand is increasing causing Europe to increase their import dependency to over 50 percent in 2010.¹⁸⁵ The rising demand is expected to see OECD European gas imports to rise from its current 197 BCM (billion cubic meters) per annum to 442 BCM per annum by 2020.¹⁸⁶ Also, the European Commission has warned that Europe dependence on imported gas could rise to 77 percent by 2020, most of which will come from Russia.¹⁸⁷

¹⁸¹ Emmerson, *The Future History of the Arctic*, 203.

¹⁸² Ibid.

¹⁸³ Emmerson, *The Future History of the Arctic*, 212.

¹⁸⁴ Ibid., 203.

¹⁸⁵ Organisation for Economic Co-operation and Development (OECD), “Energy Security and Competition Policy – 2007,” <http://www.oecd.org/dataoecd/5/21/39897242.pdf>, 303.

¹⁸⁶ The Oil Drum: Europe, “Is Europe Running Low on Natural Gas?”, <http://europe.theoil Drum.com/node/4933>

¹⁸⁷ Emmerson, *The Future History of the Arctic*, 204.

Consequently, the rising demand for natural gas has led many European gas intermediaries to enter into or extend long term gas agreements with the Russian company Gazprom.¹⁸⁸

Europe's growing dependence on Russian gas is cause for concern, with fears that much needed Russian gas will come with political strings attached...Russia's hand is already strong. But it has been critically strengthened by European disarray. In the absence of a single integrated European gas market, Russia can pursue bilateral deals with favored European countries, while excluding those it views as difficult – notably the Baltic states, Poland, and Ukraine...Russia can hope to divide its European neighbors against themselves and boosts its influence as a result.¹⁸⁹

This current European energy dependence is creating an opportune situation for Russia; however, Russia must be able to sustain oil and gas production for the long term. This long term sustainment can only be done with the production of the Arctic which makes production of Russian Arctic oil and gas a strategic necessity.¹⁹⁰

In order to sustain the increased export of gas to Europe, the Arctic will play a major role. By 2020, Gazprom expects half its natural gas to come from the Arctic.¹⁹¹ Without production in the Arctic, Russia's oil and gas production will decline, thus decreasing their ability to leverage other countries. Consequently, Russia is expanding their study and exploitation of the Arctic to increase oil and gas production to meet the growing needs and remain an energy superpower. The Russian strategy of asserting state control over Russia's natural resources at home while asserting Russian control of supply abroad has been successful. However, how far is Russia willing to go in order to achieve energy superpower dominance? If Russia continues as such, the superpower dominance could likely result in conflict in the Arctic as the other countries would like to benefit from the abundance of oil and gas as well without having Russian strings attached.

¹⁸⁸ OECD, "Energy Security and Competition Policy – 2007," 43.

¹⁸⁹ Emmerson, *The Future History of the Arctic*, 204.

¹⁹⁰ *Ibid.*, 205.

¹⁹¹ *Ibid.*, 207.

C. MILITARIZATION OF THE ARCTIC

Much like the territorial disputes, the militarization of the Arctic also has a direct effect on the Arctic and the Arctic nations. Because of the extreme weather and ice conditions in and around the Arctic Ocean, the Arctic was not militarized until World War II. During the war, the Northeast Passage¹⁹² was used mostly by German naval vessels to sail from Germany to the Pacific, and they were the first warships to ever use that route. Also, the air space above the Arctic was utilized by U.S. and Canadian long range bombers to reach the European and Pacific theaters. It was not until the Cold War that Russia became a major factor in the Arctic when technology gave way for advanced weapons systems that were capable of reaching any location in the Arctic to include Canada and the U.S. This led to the major threats such as the long range bombers that flew over the Arctic, nuclear powered submarines that operated in and around the Arctic, and the nuclear armed ballistic missiles that would be fired over the Arctic. The deployment of these systems led to a notable defense collaboration with Canada, particularly through North American Aerospace Defense Command (NORAD), and a substantial nuclear arms buildup between the U.S. and Russia.¹⁹³ Dr. Rob Huebert adds that,

...in addition to the conduct of war, the maintenance of endurance during the Cold War also depended on systems in the Arctic. Both sides needed the other to know that any attack on their homeland would be detected in time to launch a counterattack. The belief was that this would deter either side from attacking in the first place; however, in order for this to work, both sides needed to have dependable observation systems as far north as possible. Thus, the Arctic was the critical strategic location for both fighting a nuclear war and avoiding it.¹⁹⁴

The end of the Cold War brought peace to the Arctic and a shift in focus. The Arctic nations, especially Russia and the U.S., began decreasing their military presence and capabilities and focused more on constabulary roles in the Arctic. The Arctic

¹⁹² The Northeast Passage is an Arctic sea route that runs along the Russian Arctic coast from the Atlantic Ocean to the Pacific Ocean.

¹⁹³ Huebert, "The Newly Emerging Arctic Security Environment," 2-3.

¹⁹⁴ Ibid., 3.

became an area of cooperation and the thoughts of military confrontation became a thing of the past.¹⁹⁵ “The focus of all writing on the circumpolar world in the 1990s was that a new and cooperative era was beginning; however, as the second decade of the post Cold-War era began, cracks began to appear in this hopeful future.”¹⁹⁶ As previously discussed in Chapter II, beginning in 2005, most of the Arctic nations developed policies regarding Arctic security. These policies reaffirm their commitment for cooperation in the Arctic, but “view the Arctic as a critically vital region to their own national interests. All have stated that they will take the necessary steps to defend their interests in this region.”¹⁹⁷ In addition, all of the Arctic nations have “either begun to rebuild their Arctic capabilities, or have indicated their plans to do so in the near future.”¹⁹⁸ This section will examine the Arctic nations (other than the U.S.)¹⁹⁹ in terms of their recent build-up of military capabilities, or at least their plans to do so, in order determine the reasons why and if they are committed to cooperation.

1. Denmark (via Greenland)

As discussed in Chapter II, Denmark does not currently have a set policy with respect to the Arctic. Denmark developed a proposal for a strategy, which expresses cooperation, prior to hosting the Arctic Ocean Conference in Ilulissat, Greenland. Despite not having a strategy, in June of 2009, the Danish government issued the “Danish Defence Agreement 2010 – 2014.” This agreement plans for a joint service Arctic Command that will combine the Greenland Command and the Faroe Command. An Arctic Response Force is to be established from all armed services that possess and Arctic capability in order to increase the Danish expertise in the area.²⁰⁰ The rationale behind the establishment of these forces is due the rising activity that “will change the

¹⁹⁵ Huebert, “The Newly Emerging Arctic Security Environment,” 3–4.

¹⁹⁶ *Ibid.*, 4.

¹⁹⁷ Huebert, “The Newly Emerging Arctic Security Environment,” 4.

¹⁹⁸ *Ibid.*, 4.

¹⁹⁹ The U.S. policy, strategies, and military capabilities will be examined in Chapter IV.

²⁰⁰ Military Education Research Library Network, “Danish Defence Agreement 2010–2014,” June 24, 2009, <http://merln.ndu.edu/whitepapers/Denmark2010-2014English.pdf>, 12.

region's geostrategic dynamic and significance and will therefore in the long term present the Danish Armed Forces with several challenges.”²⁰¹

The new Command and Response Force are not the only areas where Denmark is increasing its combat capabilities in and around the Arctic. In the early 1990s, the Danish Navy commissioned four *Thetis* class frigates capable of breaking ice up to one meter thick. This vessel is capable of carrying anti-air and anti-ship missiles along with anti-submarine torpedoes. They currently do not operate with these systems due to lack of funding, but they could be added quickly if needed.²⁰² Similar to the *Thetis* class vessel, but categorized as an offshore patrol vessel, is the *Knud Ramussen* class vessels that were built in 2008 and 2009. There are two in service that are capable of carrying anti-air missiles and anti-submarine torpedoes. Due to funding, they do not operate with these systems, but they can be outfitted if necessary.²⁰³ Another ice breaking capable vessel in the Danish fleet is the *Flyvefisken* class patrol craft vessel. There are currently ten *Flyvefisken* class vessels in operation all of which are multiple missions capable.²⁰⁴ These vessels can transition into surveillance, guided missile, or mine vessel patrol craft quickly by storing these capabilities onboard in compartments. This vessel is capable of carrying anti-air and anti-ship missiles along with anti-submarine torpedoes.²⁰⁵ The Danish navy has built two *Abasalon* class command and support vessels and are currently building three *Iver Huitfeldt* class frigates that are all armed with anti-air and anti-ship missiles, and anti-submarine torpedoes; however, it is unknown if the hulls are ice-breaking.²⁰⁶

It is clear that Denmark is building its combat capabilities to operate in the Arctic. The plans for an Arctic command, an Arctic Response Force, and the increase in combat

²⁰¹ Military Education Research Library Network, “Danish Defence Agreement 2010–2014,” June 24, 2009, <http://merln.ndu.edu/whitepapers/Denmark2010-2014English.pdf>, 2.

²⁰² Huebert, “The Newly Emerging Arctic Security Environment,” 10.

²⁰³ *Ibid.*, 11.

²⁰⁴ Danish Naval History, “Ships in Today's Navy,” http://www.navalhistory.dk/English/Naval_Lists/Periods/PresentNavy.htm.

²⁰⁵ Huebert, “The Newly Emerging Arctic Security Environment,” 11.

²⁰⁶ *Ibid.*, 11.

capable naval vessels with ice-breaking capabilities show that Denmark is planning for conflict in the Arctic. Their proposed Arctic strategy is cooperation based, but Denmark is planning for the worst case scenario.

2. Norway

The Norwegian foreign policy for the High North stresses cooperation with Russia but “at the same time this policy statement also reaffirms that the Norwegian armed forces need to maintain a robust capability in the region”²⁰⁷ just in case their relationship with Russia deteriorates.²⁰⁸ Norway’s concern regarding Russian activity in the Arctic has given way to an increase in their military capabilities with a focus on Arctic security. Norway has been steadily building a more capable force since the 1990s and more recently has increased its combat capabilities.

Norway’s recent military buildup has a number of important aspects. First, in terms of theater command and control, on August 1, 2009, Norway moved its Operational Command Headquarters to Reitan, which is above the Arctic Circle, making Norway the first country to have a permanent base in the Arctic.²⁰⁹ In terms of air assets in the Arctic, Norway has responded to increased Russian patrols by their long range bombers and fighter aircraft, although this is well below the level during the Cold War. Norway has two F-16 fighters on fifteen minute standby at the Bodo Air Base to intercept any Russian aircraft that enters Norwegian air space.²¹⁰ In November 2008, the Norwegian government signed a contract with the U.S. company Lockheed Martin, for the delivery

²⁰⁷ Huebert, “The Newly Emerging Arctic Security Environment,” 12.

²⁰⁸ Ibid., 12.

²⁰⁹ Norway News, “Operational Command moves to the Arctic,” June 2, 2009, <http://www.norwaynews.com/en/~view.php?70hDkF584Vng4672O3De530Bba84csR53544Kacb84xXJx88d7R938>.

²¹⁰ Emerson, *The Future History of the Arctic*, 103.

of 48 F-35 fighter aircraft as the replacement aircraft for the F-16.²¹¹ “With its host of next-generation technologies and unprecedented capabilities, the F-35 is the world’s most advanced multirole fighter.”²¹²

Norway has also begun the renewal of its ageing Cold war maritime capability. In June of 2000, the government ordered five *Fridtjof Nansen*-class Aegis frigates to replace the aging Oslo-class frigates. As of January 18, 2011, all of the new frigates have been commissioned.²¹³ The Norwegians have also build six *Skjold* class vessels that are fast, stealthy, and missile capable. All six vessels have been built, but only one has been commissioned and is fully operational.²¹⁴ These vessels are combat capable, carry anti-ship and anti-air missiles, and a 76mm gun.²¹⁵ The Norwegian Coast Guard received a dual capable ice-breaker and offshore patrol vessel named *Svalbard* in 2002. This vessel is nuclear, biological, and chemical (NBC) protected, and its primary operating area is in the Barents Sea and the Svalbard islands.²¹⁶

The issues of land forces and operational readiness have also been addressed. Norway’s northern border is defended by six main stations that guard the border between Norway and Russia. The Elvenes Station houses Norway’s Quick Reaction Force that consists of eight soldiers “ready to leave on fifteen minutes’ notice to deal with any border incidents.”²¹⁷ Since 2006, Norway has conducted four exercises named Cold Response, a multi-national exercise whose participants are drawn from NATO and other Scandinavian nations. According to Major General Howes, Commander United Kingdom Amphibious Forces, the Maritime Component Commander for the Multi National Task Force, ‘the exercise is intended to enhance interoperability between

²¹¹ Huebert, “The Newly Emerging Arctic Security Environment,” 14.

²¹² Lockheed Martin, “F-35 Lightning II,” <http://www.lockheedmartin.com/products/f35/>.

²¹³ Nicolas von Kospoth, “Norwegian Navy Receives Last of Five Fridtjof Nansen-Class Frigates Defence Professionals,” January 20, 2011, <http://www.defpro.com/daily/details/735/?SID=f925b91876319007c7079684571a85d1>.

²¹⁴ Norwegian Armed Forces, “Baptism of KNM Storm,” September 2, 2009, <http://www.mil.no/start/aktuelt/pressemeldinger/article.jhtml?articleID=200837>.

²¹⁵ Huebert, “The Newly Emerging Arctic Security Environment,” 14.

²¹⁶ Ibid., 13–14.

²¹⁷ Emerson, *The Future History of the Arctic*, 104.

multinational force structures that could be part of NATO and/or UN operations in a challenging arctic climate where seconds count and can be the difference between life and death.”²¹⁸

Norway’s building of Arctic forces and capabilities contradicts their policy of cooperation. Norway is striving for cooperation with Russia in the Arctic, but are preparing for conflict. “Despite statements about how well they cooperate with their Russian neighbours, the Norwegians are concerned enough now that they are building a significant combat capable force for use in the north should the need arise.”²¹⁹ Norway understands that the best way for them to take advantage of the opportunities in the Arctic is through cooperation because, if it were any other way, Norway would have difficulty competing against Russia but is taking the necessary steps just in case cooperation is not the future of the Arctic.

3. Canada

As previously discussed, the Canadian strategy stresses cooperation, diplomacy, and international law as the preferred approach in the Arctic; however, the strategy lists plans to assert Canadian presence in the Arctic by “putting more boots on the Arctic tundra, more ships in the icy water and a better eye-in-the-sky.”²²⁰

In order to achieve this, the Canadian government plans to establish an Army Training Centre in Resolute Bay on the shore of the Northwest Passage.²²¹ It will expand and modernize “the Canadian Rangers – a Reserve Force responsible for providing military presence and surveillance and for assisting with search and rescue in remote, isolated, and coastal communities of Northern Canada.”²²²

²¹⁸ Navy Command, “Relevant exercise,” Norwegian Armed Forces, March 10, 2010, <http://www.mil.no/ovelses/cr10/english/start/archive/article.jhtml?articleID=194781>.

²¹⁹ Huebert, “The Newly Emerging Arctic Security Environment,” 14.

²²⁰ Government of Canada, “Canada’s Northern Strategy,” 9.

²²¹ Ibid., 10.

²²² Ibid., 10.

Maritime capabilities will be upgraded by establishing a deep water berthing and fueling facility in Nanisivik, on the eastern portion of the Northwest Passage, in order to support the Canadian naval and Coast Guard presence.²²³ A new polar icebreaker will be built for the Canadian Coast Guard fleet. The icebreaker, named *John G. Diefenbaker*, is expected to be the largest and most powerful icebreaker in the fleet,²²⁴ and the final acceptance is anticipated for late 2017.²²⁵ Finally, Canada will build six to eight navy Arctic Offshore Patrol Ships modeled after Norway's *Svalbard* class vessel design. These vessels will be capable of operating in first year ice and patrol the Northwest Passage during the navigable season and its approaches year round.²²⁶ The planning for these vessels began in 2007; however, due to delays in the project, the design has not been completed and it is unlikely the first ship will be delivered by the initial deadline of 2014. It is unknown what type of armament this vessel will have.²²⁷

The Canadian government has planned to purchase 65 F-35 strike fighter jets to replace the F-18 by 2020. "Canada has only signaled its intention to buy the F-35 and has yet to sign an agreement, but the Conservative government said it intends to begin taking delivery in 2017."²²⁸ The purchase of the F-35 has drawn a significant amount of political controversy within the Canadian government in particular by the Liberal Party that said it would oppose the purchase due to the lack of a competitive tender process.²²⁹

²²³ Government of Canada, "Canada's Northern Strategy," 10.

²²⁴ Ibid.

²²⁵ Canadian Coast Guard, "The CCGS John G. Diefenbaker National Icebreaker Project," April 28, 2010, <http://www.ccg-gcc.gc.ca/e0010762>.

²²⁶ Government of Canada, "Canada's Northern Strategy," 10.

²²⁷ Huebert, "The Newly Emerging Arctic Security Environment," 7.

²²⁸ The Canadian Press, "Stealth fighter to get longer testing," CBC News, February 8, 2011, <http://www.cbc.ca/canada/story/2011/02/08/stealth-fighter-canada-020811.html>.

²²⁹ Ian Austen and Christopher Drew, "Canada's Defense Chief Rejects Criticism of F-35 Jet," The New York Times, July 16, 2010, <http://www.nytimes.com/2010/07/17/business/global/17fighter.html>.

With respect to surveillance capabilities, the RADARSAT II satellite, launched in 2007, will provide the Canadian Forces with greater capacity to monitor the Arctic and its Northwest Passage and detect outside activity through imagery.²³⁰ In addition, the Canadian forces will continue to

...undertake operations in the North, such as Operation NANOOK, conduct regular patrols for surveillance and security purposes, monitor and control Northern airspace as part of North American Aerospace Defense Command (NORAD), and maintain the signals intelligence receiving facility at CFS Alert, the most northern permanently inhabited settlement in the world.²³¹

The Canadian Defense Forces have been conducting Operation NANOOK since 2007. It is “an annual sovereignty operation that takes place in Canada’s Arctic that shows the government’s commitment to protecting and demonstrating control over the air, land and sea within our jurisdiction.”²³² Operation NANOOK 2010 included participation from the U.S. and Denmark “in order to increase interoperability and exercise a collective response to emerging cross border challenges.”²³³ In response to NANOOK 2010, a Russian news article considered it “sabre-rattling,” a bold display of military power with the implication of possible use because three of the four NATO countries that are Arctic nations participated in the exercise. The article’s author thought the exercises were directed towards them, seeing the situation as NATO vs. Russia.²³⁴ In addition, the Canadian Defence Minister, Peter MacKay, stated that Russia would not be invited to join in future military exercises in the Canadian Arctic.²³⁵

²³⁰ Government of Canada, “Canada’s Northern Strategy,” 10.

²³¹ Ibid., 11.

²³² Government of Canada, “Statement on Canada’s Arctic Foreign Policy,” August 2010, http://www.international.gc.ca/polar-polaire/assets/pdfs/CAFP_booklet-PECA_livret-eng.pdf, 6.

²³³ Ibid., 6.

²³⁴ Pravda.ru, “Arctic: Canada's Sabre-Rattling and Russia’s Strategic Interests,” August 31, 2010, http://english.pravda.ru/world/americas/31-08-2010/114818-canada_arctic-0/.

²³⁵ Dr. Rob Huebert, “Welcome to a new era of Arctic security,” The Globe and Mail, August 24, 2010, <http://www.theglobeandmail.com/news/opinions/welcome-to-a-new-era-of-arctic-security/article1682704/>.

The August of 2010, “Statement on Canada’s Arctic Foreign Policy” from the Canadian government sends a clear message about protecting Canada’s national interests.

Canada is in control of its Arctic lands and waters and takes its stewardship role and responsibilities seriously. Canada continues to stand up for its interests in the Arctic. When positions or actions are taken by others that affect our national interests, undermine the cooperative relationships we have built, or demonstrate a lack of sensitivity to the interests or perspectives of Arctic peoples or states, we respond...Cooperation, diplomacy and respect for international law have always been Canada’s preferred approach in the Arctic. At the same time, we will never waver in our commitment to protect our North.²³⁶

Conley and Kraut stated that “Russia’s behavior in the Arctic has left Canada feeling that its sovereignty, security, and national interests are being both challenged and threatened.”²³⁷ Canada currently has the plans in place to build a more capable force to protect its sovereignty in the Arctic, but the Canadian government has failed to implement its plans for the Arctic as rapidly as promised. Canada has to encourage cooperation, diplomacy, and respect for international law as its approach in the Arctic because it has no other choice unless they rely on NATO partners, in particular the U.S., to help defend against Russian behavior.

4. Russia

“Russia is the most determined and assertive player in the Arctic.”²³⁸ Russia’s behavior with regards to the Arctic can be viewed as aggressive and unpredictable. “Russia’s approach to Arctic affairs has been of two minds and thus sometimes confusing and difficult to interpret. Self-assertive and occasionally aggressive rhetoric has alternated with more conciliatory signals and practical compliance with international law.”²³⁹ For example, in August 2007, a Russian submersible on a research expedition

²³⁶ Government of Canada, “Statement on Canada’s Arctic Foreign Policy,” 26–27.

²³⁷ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 18.

²³⁸ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 24.

²³⁹ Zysk, “Russia’s Arctic Strategy: Ambitions and Constraints,” 108.

deposited a Russian flag on the seabed of the North Pole as a symbolic act.²⁴⁰ However, the leader of the expedition, Artur Chilingarov, thought that it was more than a symbolic act by stating, "I don't give a damn what all these foreign politicians there are saying about this. If someone doesn't like this, let them go down themselves...and then try to put something there. Russia must win. Russia has what it takes to win. The Arctic has always been Russian."²⁴¹ At the same time, Russia is abiding by international law, settling decade's long disputes, and participating in the Ilulissat Declaration with the other Arctic nations.

Russia's Security Strategy for the Arctic, *National Security Strategy of the Russian Federation until 2020*, emphasizes cooperation but the policy also stresses the importance of a continued military presence, the need to "maintain a 'necessary combat potential' in the North and reveals plans to establish special Arctic military formations to protect the country's national interests 'in various military and political situations.'"²⁴² The policy considers the use of military force to resolve competition for energy near Russia's borders or those of its allies: "in case of a competitive struggle for resources it is not impossible to discount that it might be resolved by a decision to use military might. The existing balance of forces on the borders of the Russian Federation and its allies can be changed."²⁴³

The struggle for resources is not the only area of the policy that identifies a threat:

The National Security Strategy also asserts that the Northeast Passage is a national transportation route under Russian jurisdiction and that any nation's efforts to change that legal status will be seen as a threat to Russia's national security. Russia perceives this shipping channel as potentially developing into the central link in a maritime network connecting Europe and Asia giving it significant authority and control over a major transport artery.²⁴⁴

²⁴⁰ O'Rourke, "Changes in the Arctic: Background and Issues for Congress," 11.

²⁴¹ Mike Eckel, "Russia defends North Pole flag-planting," USA Today, August 8, 2007, http://www.usatoday.com/tech/science/2007-08-08-russia-arctic-flag_N.htm.

²⁴² Zysk, "Russia's Arctic Strategy: Ambitions and Constraints," 107.

²⁴³ Cohen, "From Russian Competition to Natural Resources Access," 8.

²⁴⁴ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 25.

Russia has many plans to build their combat capability in the Arctic and among them is to modernize its Northern Fleet with a major naval build up. Russia has the largest and most powerful icebreaker fleet in the world, with 24 icebreakers,²⁴⁵ and plans to build three to four third generation icebreakers²⁴⁶ with the first being built by 2015.²⁴⁷ Of the 24 icebreakers, seven are nuclear powered, including the world's largest icebreaker, the 50 Years of Victory. In recent years, the Russian icebreakers have begun to regularly patrol the Arctic, and the icebreaker fleet is a key to the region's economic development.²⁴⁸ Moscow has plans to build eight *Borei* class nuclear powered ballistic missile submarines (SSBNs), one of which, the *Yury Dolgoruky*, has been completed, but is not yet in service. It took approximately 12 years to complete the *Yury Dolgoruky* and the ambitious plan is to have all eight completed by 2015.²⁴⁹ These submarines will be armed with 16 to 20 launch tubes for submarine-launched ballistic missile (SLBM) *Bulava* and six torpedo tubes.²⁵⁰ An even more ambitious plan for the Russian government is to build five to six aircraft carrier battle groups to be based in the Northern and Pacific fleets by 2030;²⁵¹ build 20 *Steregushchy* class multipurpose corvettes, two of which are currently in service, armed with anti-ship and anti-submarine missiles along with torpedoes; and build 20 *Admiral S. Gorshkov* class frigates, the first is expected to be in service by the end of 2011, armed with anti-air and anti-ship missiles along with torpedoes.²⁵²

They will also build new strategic bombers, and increase overall military activity in the Arctic. "A new TU strategic bomber to replace the Tu-95MC Bear, Tu-160

²⁴⁵ Cohen, "From Russian Competition to Natural Resources Access," 8.

²⁴⁶ Zysk, "Russia's Arctic Strategy: Ambitions and Constraints," 106.

²⁴⁷ RiaNovosti, "New Russian nuclear icebreaker 'will be built by 2015,'" June 9, 2008 <http://en.rian.ru/russia/20080609/109670225.htm>.

²⁴⁸ Cohen, "From Russian Competition to Natural Resources Access," 8.

²⁴⁹ Zysk, "Russia's Arctic Strategy: Ambitions and Constraints," 108.

²⁵⁰ RusNavy.com, "SSBN Alexander Nevsky was moved to floating dock," December 2, 2010, http://rusnavy.com/news/navy/index.php?ELEMENT_ID=10963.

²⁵¹ Zysk, "Russia's Arctic Strategy: Ambitions and Constraints," 108.

²⁵² GlobalSecurity.org, "Project 2038.0 multi-role frigate; Project 20381 Steregushchy Corvette," <http://www.globalsecurity.org/military/world/russia/2038.htm>.

Blackjack and Tu-22M3 Backfire should be designed by 2017 with production beginning in 2020.”²⁵³ Furthermore, the Russians plan to establish special Arctic military formations to protect Russian national interests. They will form an Arctic Spetsnaz (special purpose force) to support the northern policy and secure the region.²⁵⁴

In addition to the plans to build a more combat capable force, Russia has expanded its military activities in the Arctic since 2007.²⁵⁵ This activity has not gone unnoticed by the other Arctic nations. For example, in 2007, Russia resumed long range strategic bomber flights over the Arctic for the first time since the Cold War. “During 2007 alone, Russia penetrated Alaska’s 12 mile air defense zone 18 times.”²⁵⁶ Russia does not give any advanced notice to these flights²⁵⁷ and, since they began, the U.S. and Canadian aircraft have shadowed Russian bombers as they approach Canadian and U.S. soil until they turn around and head back toward Russia.²⁵⁸ In addition, soon after planting the Russian flag on the seabed of the North Pole in 2007, Russia conducted an air force exercise in which it launched cruise missiles over the Arctic.²⁵⁹ Russia’s policy emphasizes the importance of cooperation yet Russia maintains an aggressive posture in the Arctic. Conley and Kraut argue that Russia is implementing a two-track approach in respect of the Arctic.

On the one hand, Russia’s increased military activity in the polar regions coupled with its stated objectives of a major naval buildup to operate in the Arctic suggest that it will be a potentially unpredictable and provocative player. On the other hand, Russia has demonstrated that it will play by the rules of international law (UNCLOS) as it submits its

²⁵³ Huebert, “The Newly Emerging Arctic Security Environment,” 7.

²⁵⁴ Zysk, “Russia’s Arctic Strategy: Ambitions and Constraints,” 106.

²⁵⁵ Cohen, “From Russian Competition to Natural Resources Access,” 7.

²⁵⁶ Ibid., 7.

²⁵⁷ Huebert, “The Newly Emerging Arctic Security Environment,” 17.

²⁵⁸ CBC News, “NORAD downplays Russian bomber interception,” August 25, 2010, <http://www.cbc.ca/politics/story/2010/08/25/cf-18s-russians-airspace.html>.

²⁵⁹ Reuters, “Russian strategic bombers run Arctic exercise,” September 3, 2007, <http://www.reuters.com/article/2007/09/03/us-russia-exercise-idUSL0359169120070903>.

claims to the UN Commission on the Limits of the Continental Shelf, participates actively in the Arctic Council, and has signed the 2008 Ilulissat Declaration to maximize its economic benefits from a stable region.²⁶⁰

As mentioned, Russia is implementing the measures necessary in order to reap the benefits the Arctic has to offer by being aggressive and unpredictable, and will do whatever it takes to be the powerhouse of the Arctic. In order to be competitive with Russia, the other Arctic nations are increasing their military capabilities and assets.

D. CONCLUSION

This chapter has examined counterarguments to the proposition that Arctic will become a zone of cooperation. It has revealed the means by which the Arctic might be pushed towards conflict through the unresolved disputes in the Arctic, Russia dependency on the Arctic, and an increase of military and security presence in the Arctic. There are a significant number of potential flashpoints that could ignite the Arctic into conflict. The discussion of territorial disputes highlighted issues arising from access to shipping channels and navigable waterways, specific territorial claims, and international maritime boundaries between and beyond territorial waters. Also examined was Russia's dependency on the amount of oil and gas available in the Arctic. Russia's main focus is regaining the status of a superpower by being aggressive and unpredictable in order to control the resources in the Arctic. Russia's influence and behavior are provocative to other Arctic nations and if Russia is not willing to change its approach, the Arctic may be headed towards conflict.

Russia is a potentially hostile superpower in the Arctic, and in order defend their claims, the other Arctic nations have increased or plan to increase their military capabilities and assets. This will allow the Arctic nations to be more strategically aligned, especially with Russia. The Arctic nations are building or have plans to build a more combat capable Arctic force to protect its sovereignty and national interests in the

²⁶⁰ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 25.

Arctic. Conley and Kraut, argue that Russia is not the only Arctic nation that has a two-track approach, stressing cooperation yet increasing combat capability in the Arctic.

All Arctic nations have a vested interest in ensuring the Arctic region is stable in order to maximize economic gain and benefit; all Arctic nations are also keeping their military options open and available for use to project sovereignty and to transmit to other nations a sense of claim and identity. The difference among the Arctic nations is in the degree and emphasis of implementation of the two-track approach.²⁶¹

However, Russia is the powerhouse in the Arctic and will aggressively pursue a number of tactics to exploit this. For instance,

Russia is deploying what it sees as a “win-win” Arctic strategy: gain early military and commercial regional supremacy and hope to win equally at the United Nations and other multilateral tables. Other Arctic nations tend to place more emphasis on working bilaterally or within international governance structures and operating cooperatively with other Arctic nations, but all to a greater or lesser degree have or are making military adjustments to preserve their options. The question for the future will be if or how Russia will maintain its dual approach, or if it will continue to rely more heavily on developing an aggressive defense posture to achieve its means and determine the future of the Arctic to its liking.²⁶²

All of these factors—to include territorial claims, Russia’s dependency, and the militarization of the Arctic—can potentially lead to conflict in the Arctic. It all depends on which one has the potential to flash and cause the conflict. Until all of these issues are resolved peacefully with all sides in agreement, the potential for conflict will remain.

²⁶¹ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 25.

²⁶² *Ibid.*, 25.

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IV. CURRENT U.S. POLICY AND STRATEGIES

The intent of this chapter is to review the following: the current U.S. policies and strategies concerning the Arctic; the U.S. non-ratification of the UNCLOS, and the reasons why it has not been ratified; the limited number of U.S. capabilities and assets available relating to the Arctic; and finally the gaps within these topics and recommendations for the way ahead. While the previous chapters discussed the policies, strategies, capabilities, and limitations of the other Arctic nations, this chapter will examine primarily those areas in terms of the United States.

A. U.S. POLICY

As described previously, NSPD 66 and HSPD 25 is the current U.S. policy with respect to the Arctic, issued on January 9, 2009. This directive states it is the policy of the U.S. to meet national security and homeland security needs relevant to the Arctic region, protect the Arctic environment and its biological resources, ensure environmentally sustainable resource management and economic developments, strengthen cooperation among the eight Arctic nations (which include Finland, Iceland, and Sweden), involve the Arctic's indigenous communities in decision making, and enhance scientific monitoring and research into environmental issues. The directive continues to address international governance, extended continental shelf and boundary issues, promotion of international scientific cooperation, maritime transportation, economic and energy issues, and environmental protection and conservation of natural resources in the Arctic region.²⁶³ In line with the other Arctic nations' policies, the U.S. policy stresses cooperation but "is prepared to operate either independently or in conjunction with other states to safeguard these interests."²⁶⁴ However, the U.S. policy does not specifically state that there is a need to militarize the Arctic but rather that there

²⁶³ Bush, "NSPD 66/HSPD 25," 2.

²⁶⁴ *Ibid.*, 2.

is a need to “Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region.”²⁶⁵

The Arctic policy is focused on protecting U.S. sovereign rights, national interests, and homeland security interests throughout the Arctic region. The policy also emphasizes the need to prevent criminal activity and terrorist attacks, implement a search and rescue capability with multinational cooperation, and increase icebreaking capabilities, increase Arctic maritime domain awareness, develop greater capacity to protect U.S. borders, encourage the peaceful resolution of disputes in the Arctic region, and project a sovereign U.S. maritime presence. In addition, the policy outlines a strategy that requires the U.S. “to assert a more active and influential presence to protect its Arctic interests and to project sea power throughout the region.”²⁶⁶ To make this possible, the policy advises the U.S. Senate to “act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic.”²⁶⁷

The policy recognizes the Arctic as an area for great economic potential and stresses the need to ratify UNCLOS when it comes to extended continental shelf and boundary issues. The policy states that:

...joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.²⁶⁸

On the topic of UNCLOS, the policy concludes with “the most effective way to achieve international recognition and legal certainty for our extended continental shelf is through the procedure available to States Parties to the U.N. Convention on the Law of the

²⁶⁵ Bush, “NSPD 66/HSPD 25,” 3.

²⁶⁶ *Ibid.*, 3–4.

²⁶⁷ *Ibid.*, 4.

²⁶⁸ *Ibid.*, 4.

Sea.”²⁶⁹ Likewise, the most recent National Security Strategy makes the same point, stating that the U.S. “will pursue ratification of the United Nations Convention on the Law of the Sea,” in order to successfully cooperate with allies and partners to optimize the use of shared sea, air, and space domains.²⁷⁰

B. U.S NON-RATIFICATION OF THE UNCLOS

The U.S. played a leading role in negotiating the current version of the UNCLOS, but President Ronald Reagan refused to allow the U.S. to sign the treaty. The Reagan Administration argued that while some provisions of the treaty were acceptable and consistent with U.S. interests, the deep seabed mining portion of the treaty was not acceptable.²⁷¹

The deep seabed mining portion of the treaty consists of Part XI and Annexes III and IV. The Reagan Administration did not think these portions of the treaty were in the best interests of the U.S. and cited a number of problems as the basis for not signing the treaty. Its provisions, argued the U.S. government “would actually deter future development of deep seabed mineral resources, when such development should serve the interest of all countries.”²⁷² The Seabed Authority decision-making process “that would not give the United States or others a role that fairly reflects and protects their interests:”²⁷³ and UNCLOS provisions “would allow amendments to enter into force for the United States without its approval. This is clearly incompatible with the U.S. approach to such treaties.”²⁷⁴ Finally it was argued that the treaty’s “stipulations relating to mandatory transfer of private technology (allowed) the possibility of national

²⁶⁹ Bush, “NSPD 66/HSPD 25,” 4–5.

²⁷⁰ White House, “National Security Strategy,” (May 2010). 50.

²⁷¹ Van Dyke, “The 1982 United Nations Convention on the Law of the Sea,” 378–379.

²⁷² *Ibid.*, 380.

²⁷³ *Ibid.*, 380.

²⁷⁴ *Ibid.*, 380–381

liberation movements sharing in benefits;”²⁷⁵ and the absence of assured access for future U.S. deep seabed miners might hold back the development of these seabed resources.²⁷⁶

Until the treaty entered into force in 1994, and in order for the U.S. to concur with the treaty, changes to the deep seabed portion of the treaty had to be accomplished. The Clinton Administration actively participated in the negotiations of the 1994 Agreement, which amended many of the seabed portions relating to Part XI of the treaty. The Clinton Administration was satisfied with the changes and on July 29, 1994, the U.S signed the Agreement. On October 7, 1994, President Clinton transmitted the 1982 UNCLOS and the 1994 Agreement to the Senate, where it was referred to the Senate Committee on Foreign Relations. However, on November 16, 1994, the UNCLOS entered into force and on July 28, 1996, the Agreement entered into force, but without U.S. participation.²⁷⁷ The U.S. had signed the treaty, but the Senate failed to vote on the ratification of the treaty.

It was not until 2004 that the treaty was brought up for debate and all 19 members of the Senate Foreign Relations Committee voted unanimously in favor of UNCLOS. However, the treaty was never brought to the floor for a vote because then—Senate Majority Leader Bill Frist (R-TN) declined to bring the matter to a floor vote. In 2007, President George W. Bush called on the Senate to ratify UNCLOS and the Senate Foreign Relations Committee voted in favor of ratifying the treaty. However, as in 2004, the vote never reached the floor of the Senate for a vote.²⁷⁸ With the new Congress under the Obama Administration, the treaty must be reviewed and passed by the Foreign Relations Committee again before it can be brought to the Senate floor for a final vote. To date, it has not been determined if the Senate will bring the treaty to the floor for a vote. President Barack Obama and Secretary of State Hillary Clinton support ratification

²⁷⁵ Van Dyke, “The 1982 United Nations Convention on the Law of the Sea,” 381.

²⁷⁶ *Ibid.*, 381.

²⁷⁷ Browne, “The Law of the Sea Convention and U.S. Policy,” 1.

²⁷⁸ Jason Wright, “The Law of the Sea: Why the Push for US Senate Ratification Has Stalled,” Associated Content, http://www.associatedcontent.com/article/779629/the_law_of_the_sea_why_the_push_for_pg2.html?cat=62

of UNCLOS and are committed to working actively to ensure that the U.S. ratifies the treaty.²⁷⁹ Without the ratification of the treaty, the U.S. recognizes the treaty as customary international law rather than being a full participant.

Those who oppose the treaty, as mentioned in chapter one, believe that the U.S. would be giving up sovereignty by allowing international bodies to have control over U.S. interests,²⁸⁰ which would be the case regarding the Arctic territorial claims being submitted to the CLCS. In an article, “The National Interest and the Law of the Sea”, which was written for the Council on Foreign Relations, Borgerson references many arguments of the opposition for the treaty. Borgerson states that “opponents of the treaty argue that the convention unnecessarily commits the United States to follow rules designed by states hoping to constrain American freedom of action.”²⁸¹ More specifically, Borgerson uses the minority views from the Senate Foreign Relations Committee (SFRC) Report sent to then—Chairman of the SFRC Senator Joseph Biden.²⁸² Within the SFRC Report, the opposing views included “taxes” assessed to outer continental shelf activities; fear of judicial activism by the Law of the Sea Tribunal, especially with regard to articles relating to land based sources of pollution that are called a “backdoor Kyoto Protocol;” and a belief the convention will severely curtail U.S. intelligence-gathering activities,^{283,284} all of which pertain to the Arctic.

Lastly, Dr. Ariel Cohn, a Senior Research Fellow at The Heritage Foundation, believes that there is not a need for the U.S. to ratify UNCLOS because the U.S. can execute its Arctic policy without it.

At present, America is not bound by the treaty’s procedures and strictures, but the U.S. is pursuing its claims under international law as an

²⁷⁹ Hillary Rodham Clinton, Statement Before the Committee on Foreign Relations, United States Senate.

²⁸⁰ Block, “U.S. Leaders Support Law of the Sea Treaty.”

²⁸¹ Scott G. Borgerson, “The National Interest and the Law of the Sea”, Council on Foreign Relations, Council Special Report #46, May 2009, 18.

²⁸² Ibid., 18.

²⁸³ Ibid., 18.

²⁸⁴ Senate Foreign Relations Committee Report together with minority views, Executive Report 110–9, 110th Congress, 1st Session, December 19, 2007, 24–28.

independent, sovereign nation, relying on President Harry S. Truman's Presidential Proclamation No. 2667, which declares that any hydrocarbon or other resources discovered beneath the U.S. continental shelf are the property of the United States. The U.S. has shown that it can successfully defend its rights and claims through bilateral negotiations and in multilateral venues, such as through the Arctic Ocean Conference, which met in Greenland in May 2008.²⁸⁵

As reflected above, the UNCLOS is at the forefront of the Arctic discussion and is a major factor when determining the future of U.S. in the Arctic.

C. OTHER POLICIES AND STRATEGIES

There are additional strategies that the U.S. can implement that can potentially influence the future of the Arctic. For instance, in October 2007, the U.S. Navy, USCG, and U.S. Marine Corps released the U.S. Maritime Strategy, "A Cooperative Strategy for 21st Century Seapower," which identifies the uncertainty of the future of the Arctic:

Climate change is gradually opening up the waters of the Arctic, not only to new resource development, but also to new shipping routes that may reshape the global transport system. While these opportunities offer potential for growth, they are potential sources of competition and conflict for access and natural resources. Moreover, heightened popular expectations and increased competition for resources, coupled with scarcity, may encourage nations to exert wider claims of sovereignty over greater expanses of ocean, waterways, and natural resources—potentially resulting in conflict.²⁸⁶

The U.S. Maritime Strategy does not identify UNCLOS as the mechanism to claim sovereign rights in the Arctic, but rather the strategy calls for the U.S. to "foster and sustain cooperative relationships with an expanding set of international partners, and prevent or mitigate disruptions and crises."²⁸⁷ If the U.S. were to follow this strategy,

²⁸⁵ Cohen, "From Russian Competition to Natural Resources Access," 3.

²⁸⁶ U.S. Navy, U.S. Marine Corps, and U.S. Coast Guard, "A Cooperative Strategy for 21st Century Seapower," (Washington, D.C.: U.S. Department of Defense, October 2007), 3.

²⁸⁷ *Ibid.*, 8.

then it would likely have to ratify the UNCLOS in order to maintain cooperative relationships and give the U.S. the ability to claim sovereign rights in the Arctic thus minimizing the potential for conflict.

The culmination of the Arctic policy and U.S. Maritime Strategy influenced the U.S. Navy to develop its “Navy Arctic Roadmap.”²⁸⁸ The roadmap was designed to develop future Navy policies, strategies, force structures, and investments related to a changing Arctic.²⁸⁹ Additionally, the roadmap calls for the development of cooperative partnerships with interagency and international Arctic stakeholders, active and competent contribution to safety, security, and stability in the Arctic, acquisition of the right capabilities at the right cost and right time to meet combatant commander requirements, and a scientific understanding of the evolution of the region. The roadmap pays specific attention to developing the capabilities and capacities to conduct the following missions: U.S. Maritime Security, Search and Rescue, Humanitarian Assistance/Disaster Response, Defense Support of Civil Authorities, Maritime Domain Awareness, Strategic Sealift by the Naval Fleet Auxiliary Force, Strategic Deterrence, and Ballistic Missile Defense.²⁹⁰ Lastly, the roadmap recognizes the uncertainty of the future of the Arctic and makes the same argument as the Arctic policy and U.S. Maritime Strategy:

While the United States has stable relationships with other Arctic nations, the changing environment and competition for resources may contribute to increasing tension, or, conversely, provide opportunities for cooperative solution. The importance of the Arctic region is identified in the strategic guidance of all Arctic nations; therefore, this roadmap considers the requirements for the governance framework provided by the United Nations Convention on the Law of the Sea.²⁹¹

²⁸⁸ Navy Task Force Climate Change, “U.S. Navy Arctic Roadmap,” U.S. Navy, Washington, D.C., October 2009, 5.

²⁸⁹ Ibid., 1.

²⁹⁰ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 8–9.

²⁹¹ Navy Task Force Climate Change, “U.S. Navy Arctic Roadmap,” 6.

The Navy Arctic Roadmap, along with the Arctic policy and the U.S. Maritime Strategy, emphasizes the uncertainty of the future of the Arctic and discusses the mechanisms that can be implemented to move forward with a positive outcome in the Arctic.

The latest U.S. official policy is to be found in the DOD's 2010 QDR. It aimed to further rebalance the capabilities of the U.S. Armed Forces and to ensure that our forces are prepared for a complex future.²⁹² With respect to the Arctic, the review states that security in the Arctic region is an opportunity to work collaboratively in multilateral forums. Furthermore, DOD must work with the USCG and the Department of Homeland Security (DHS) to address gaps in Arctic communications, domain awareness, search and rescue, environmental observation, and forecasting capabilities to support both current and future planning and operations. In order to support cooperative engagements in the Arctic, the QDR states that DOD "strongly supports accession to the UNCLOS."²⁹³

These policies and strategies exhibit many recurring themes, such as the uncertainty of the future of the Arctic region, the race for resources and a possibility of conflict. They recognize the need to increase capabilities and assets, increase research opportunities, foster cooperation between the Arctic nations, and lastly, that it is critical for the U.S. to ratify the UNCLOS to obtain the ability to claim sovereign rights in the Arctic. In order to implement the aforementioned policies and strategies, the U.S. needs to have the proper capabilities and assets in place. The next section will be an overview of the current U.S. capabilities and assets available for implementation of the policies and strategies.

D. CAPABILITIES AND ASSETS

The U.S. is very limited in the number of capabilities and assets available in the Arctic region and these limited resources hinder the implementation of the aforementioned Arctic policies and strategies. It is critical for the U.S. to have the

²⁹² U.S. Department of Defense, "Quadrennial Defense Review Report," (February 2010), 1.

²⁹³ *Ibid.*, 86.

capabilities and assets in order to be competitive in the Arctic. Commander John Patch, U.S. Navy (Ret), wrote in his *Proceedings Magazine* article, “Cold Horizons: Arctic Maritime Security Challenges,” that the “current U.S. Arctic forces are insufficient to accomplish these new missions, much less standing tasks.”²⁹⁴

The ability to navigate the Arctic requires double-hulled surface vessels capable of breaking the Arctic ice. The U.S. has a limited amount of vessels in the USCG fleet capable of supporting the Arctic missions. Currently, there are only three icebreaker vessels available and two of them, the USCG Polar Star (commissioned in 1976) and USCG Polar Sea (commissioned in 1978), have exceeded their intended 30-year service lives; therefore, the Polar Star is not operational and has been in caretaker status since July 1, 2006. In FY2009 and FY2010, Congress provided funding to repair Polar Star and return it to service for seven to ten years, and the USCG expects the reactivation project to be completed in FY2012. The USCG’s third polar icebreaker is the USCG Healy (commissioned in 2000). Compared to the other two vessels, Polar Star and Polar Sea, Healy has less icebreaking capabilities, but more capable of supporting scientific research and is used primarily for that research in the Arctic. The USCG’s proposed FY2011 budget does not request any funding in the services Acquisition, Construction, and Improvements account for polar icebreaker sustainment or for acquisition of new polar icebreakers.²⁹⁵

In addition to the number of limited operational icebreaker fleets available, the U.S. currently does not have a permanent base on the North Slope of Alaska, which borders the Chukchi and Beaufort Seas. The USCG established Forward Operating Locations (FOL) on the North Slope, in summer of 2008, which employ USCG small boats, helicopters, and Maritime Safety and Security Teams to increase maritime domain awareness and test capabilities in the Arctic environment. The FOLs can only operate in the summer months due to the weather conditions, lack of logistical support due to

²⁹⁴ John Patch, CDR, USN (Ret), “Cold Horizons: Arctic Maritime Security Challenges,” *Proceedings Magazine*, May 2009 Vol. 135/5/1, 275, <http://www.usni.org/magazines/proceedings/2009-05/cold-horizons-arctic-maritime-security-challenges>.

²⁹⁵ Ronald O'Rourke, “Coast Guard Polar Icebreaker Modernization: Background, Issues, and Options for Congress,” Congressional Research Service, (March 30, 2010), 1.

distance of the FOLs from civilization, and the lack of shore based infrastructure.²⁹⁶ A more robust operational icebreaker fleet and a permanent presence on Alaska's North Slope is essential for supporting U.S. military and civil operations, maintaining U.S. presence, and preserving U.S. economic and other interests throughout the region.²⁹⁷

Alaska is the home of the U.S. Alaskan Command (ALCOM) and Joint Task Force Alaska (JTF-AK). ALCOM is subordinate to U.S. Pacific Command (PACOM) and JTF-AK is subordinate to U.S. Northern Command (NORTHCOM) and both commands are headquartered at Elmendorf Air Force Base, Anchorage, Alaska. ALCOM's mission is to maximize theater force readiness for 21,000 Alaskan service members and expedite worldwide contingency force deployments from and through Alaska as directed by the Commander, USPACOM.²⁹⁸ ALCOM combined forces include more than 20,000 Armed Forces personnel from difference branches and 4,700 Guardsmen and Reservists. Similarly, JTF-AK's mission is to, in coordination with other government agencies, deter, detect, prevent and defeat threats within the Alaska Joint Operations Area (AK JOA) in order to protect U.S. territory, citizens, and interests, and as directed, conduct Civil Support, and it is comprised of Soldiers, Sailors, Airmen, and DOD civilian specialists.²⁹⁹ These assets presently allow the U.S. to gain a large presence and be considered a driving force in the Arctic, however cold weather and other pertinent training for long sustaining missions in the Arctic are lacking.

In addition to the current missions, the U.S. and Canada have a strong relationship and this relationship is reflected in support of sovereignty and territorial defense of the Arctic region. Canada's experience in the Arctic is beneficial to the U.S. due to the fact that Canada has been operating in the Arctic for many years and the bi-national relationship allows for a strong presence in the Arctic. On February 1, 2006, the Canada Command was established to act as a single point of contact for Canadian civil authorities

²⁹⁶ Statement of Admiral Thad W. Allen, Commandant, U.S. Coast Guard, Before the Subcommittee of the Committee on Appropriations, U.S. Senate, Anchorage, Alaska (August 20, 2009). 17.

²⁹⁷ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 9.

²⁹⁸ Elmendorf Air Force Base, "Alaskan Command," <http://www.elmendorf.af.mil/alcom/index.asp>.

²⁹⁹ U.S. Northern Command, "About USNORTHCOM," <http://www.northcom.mil/About/index.html>.

seeking Canadian Forces support, as a single military command for domestic and continental operations with a focus on Canada as a single theatre of operations, and as the operational link with NORTHCOM. Subsequently, on February 14, 2008, NORTHCOM and Canada Command signed a Civil Assistance Plan (CAP) into law. The purpose of the CAP is to provide a framework for the military of one nation to provide support to the military of the other nation in the performance of emergency civil support operations.³⁰⁰ The Canadian Air Force, in conjunction with NORAD, maintains four FOLs where it can pre-deploy fighter aircraft or search and rescue helicopters. This allows U.S. access to Canadian Air Force Bases along the Arctic³⁰¹ and the capability to deploy U.S. troops on Canadian soil.³⁰²

This strong U.S.-Canada military partnership helps compensate for some of the limited cold-water capabilities, experience, and doctrine that the U.S. currently lacks in the Arctic, but there is a great need for more. The relationship between the U.S. and Canada is a solid foundation to build upon in order to combat the national security issues that are present or may arise in the Arctic. It is in the vital interests of both countries to continue to work together in coordination to defend, protect, and secure the U.S. and Canadian interests in the Arctic. As mentioned, the available capabilities and assets are limited and in order for the U.S. to be an equal partner in the Arctic, the policies and strategies currently in place need to be updated to make additional resources not only available, but accessible when required.

E. GAPS AND RECOMMENDATIONS

The most evident gap in the policies and strategies described above is the U.S. non-ratification of the UNCLOS. The UNCLOS provides the necessary guidance and framework to submit claims to extend territorial boundaries in the Arctic. Like the other

³⁰⁰ National Defence and the Canadian Forces, “Mandate,” <http://www.canadacom.forces.gc.ca/site/mis-mis-eng.asp>.

³⁰¹ Such as Canadian Forces Station (CFS) Alert, the most northerly, permanently inhabited location in the world, located approximately 500 miles from the North Pole. <http://www.airforce.forces.gc.ca/8w-8e/alert/index-eng.asp>.

³⁰² National Defence and the Canadian Forces, “Canada Command Backgrounder,” <http://www.canadacom.forces.gc.ca/nr-sp/bg-do/09-002a-eng.asp>.

Arctic nations, the U.S. is currently gathering scientific evidence to submit a claim to extend the U.S. continental shelf in the Arctic;³⁰³ however, the U.S. is currently at a strategic disadvantage by not having the legal right to submit claims. Many experts argue that until the U.S. ratifies the UNCLOS and moves forward with the U.S. policy in the Arctic, the U.S will not become a major benefactor from the Arctic.

As a supporter for UNCLOS, Borgerson included in his article for the Council on Foreign Relations, a list of issues that damage U.S. national interests by not being part of the UNCLOS. There are a number of issues that apply particularly to the Arctic.

- The convention is now open for amendment and could be changed by countries hostile to U.S. interests if the United States does not participate in the process...The longer it remains a nonparty, the more the United States cedes its negotiating strength.³⁰⁴
- The United States cannot currently participate in the Commission on the Limits of the Continental Shelf (CLSC), which oversees ocean delineation on the outer limits of the extended continental shelf (outer continental shelf - OCS). Even though it is collecting scientific evidence to support eventual claims off its Atlantic, Gulf, and Alaskan coasts, the United States, without becoming party to the convention, has no standing in the CLCS. This not only precludes it from making a submission...it also denies the United States any right to review or contest other claims that appear to be overly expansive, such as Russia's in the Arctic.³⁰⁵
- The United States is restricted from fully implementing the first-ever national Cooperative Strategy for 21st Century Seapower, which seeks to build maritime partnerships for combating emerging threats based on the principles established in the convention.³⁰⁶
- The United States is unable to nominate a candidate for election to the Law of the Sea Tribunal and thus is deprived of the opportunity to directly shape the interpretation and application of the convention.³⁰⁷

³⁰³ Jacquelyn Ryan, "As Arctic melts, U.S. ill equipped to tap resources," The Washington Post, January 10, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/09/AR2011010904358.html>.

³⁰⁴ Borgerson, "The National Interest and the Law of the Sea," 33.

³⁰⁵ Ibid., 33.

³⁰⁶ Ibid., 34.

³⁰⁷ Ibid.

- The United States is in a weaker legal position in the opening of the Arctic to police new shipping, to contest disputed boundary claims, and to challenge Canada's assertion that the Northwest Passage falls within its internal waters.³⁰⁸
- The United States is unable to fill its permanent seat on the Council of the International Seabed Authority and thus to influence this body's work overseeing minerals development in the deep seabed beyond national jurisdiction.³⁰⁹

As shown in this chapter, the opponents of the UNCLOS are no longer as concerned with deep seabed mining issues that the Reagan Administration had with the UNCLOS. Now, the opponents argue that the U.S. would lose sovereignty by allowing an international body to preside over U.S. issues. The importance of the UNCLOS with respect to the Arctic should far outweigh any of the opponent's arguments as can be seen from Borgerson's list of how staying outside of the treaty damages U.S. national interests. As a result, the recommendation for immediate ratification is necessary.

Another potential gap in the Arctic Region, recognized by both the U.S. Navy and USCG, is the lack of maritime presence and search and rescue capabilities. The U.S. Navy does not possess the surface vessels required for operations in the Arctic and the USCG only possesses three icebreakers, of which, two are operational. Also, the USCG lacks the proper training and equipment such as icebreakers, aircraft, cutters, and permanent bases to effectively have a presence in the Arctic. The current relationship between the U.S. and Canada helps provide the U.S. with additional capabilities and assets, but the appropriate levels needed to be effective year round are still lacking. In order to establish a greater maritime presence and search and rescue capability, the U.S. needs to increase the USCG and U.S. Navy budgets to build more icebreakers, establish a permanent USCG base on the North Slope, and collaborate with other Arctic nations through joint training and exercises. These relationships can build a greater search and rescue capability and strengthen the partnerships with all of the Arctic nations, thus encouraging cooperation.

³⁰⁸ Borgerson, "The National Interest and the Law of the Sea," 34–35.

³⁰⁹ *Ibid.*, 35.

The last gap identified, according to Conley and Kraut, is that a national U.S. uncertainty about the rate of the Arctic ice melt has led the U.S.

...into a false sense that there is an abundance of time for it to address these pressing issues. However, it will take a decade or more to develop the critical diplomatic, commercial, and military infrastructure in the Arctic necessary to ensure strong U.S. leadership. It is now time for the United States to implement a strategic Arctic policy that reflects U.S. priorities and promotes transparent and cooperative methods of behavior, whether that is related to international shipping, oil and gas extraction, search-and rescue activities, or fisheries. Without concrete action today, the United States will be left behind in this strategically vital region.³¹⁰

³¹⁰ Conley and Kraut, "U.S. Strategic Interests in the Arctic," 27.

V. CONCLUSION AND THE WAY AHEAD FOR THE U.S.

Climate change, the increased melting of the Arctic ice, and the vast amount of natural resources in the Arctic region have focused attention on the region and on the question of whether the future of the Arctic will be one of cooperation or conflict. There are a number of structures in place such as the international law, UNCLOS and its established bodies, the Arctic Council, and the IMO that govern the Arctic, and all collectively promote cooperation among the Arctic nations. Currently, each Arctic nation abides by international law and has implemented cooperative strategies. This can be seen from the recently resolved disputes. However, there are a significant number of potential flashpoints that could ignite the Arctic into conflict. There are still unresolved disputes in the Arctic; Russia is heavily dependent on the Arctic; and there has been an increase of military and security presence in the Arctic that could cause conflict. Each of the Arctic nations are promoting cooperation, but are preparing for conflict just in case one of these flashpoints ignite. Is the Arctic heading for conflict, or for cooperation? Next, this thesis will answer the question of cooperation or conflict by reexamining Charles Hermann's model of eight conditions that may facilitate peaceful crisis management.³¹¹

A. CONCLUSION

The information provided in the previous chapters has provided the information needed to answer Charles Hermann's model. All of the Arctic states have the ability to communicate with each other using "reliable, trustworthy, confidential and rapid means." This communication comes in the form of the UN, IMO, NATO, and Arctic Council, of which all Arctic nations are members (with the exception of Russia being a member of NATO). At the forefront of crisis management for the Arctic nations is the UNCLOS because it is used to peacefully resolve any disputes or boundary issues related to the world's oceans. The purpose of creating the UNCLOS was to resolve residual ocean issues that had divided nations in the years since the first Geneva Convention on the High

³¹¹ Hermann, "Types of crises actors and their implications for crisis management," 29.

Seas of 1958.³¹² It establishes a comprehensive legal framework that defines the rights and responsibilities of nations in their use of the world's oceans and its resources, guides legal cooperation, and various environmental agreements.³¹³ The U.S. is the only Arctic nation that has not ratified the UNCLOS, so it is unable to benefit from being a member of UNCLOS and must settle any dispute outside the realm of the treaty through other means. Even though the U.S. has not ratified the UNCLOS, it recognizes the treaty as international law. The research shows that the Arctic nations strongly encourage cooperation and are currently abiding by the international laws, treaties, and infrastructures in place that allows them the most potential to benefit from the Arctic resources. The communication available to the Arctic nations is available and is being used to decrease the possibility of misunderstanding or the incentive to act preemptively before the situation deteriorates.

This thesis has provided six examples of territorial disputes—three that are considered to have a potential for conflict and three that are likely to be soon resolved. Each of the Arctic nations are involved with a soon to be resolved dispute because they have the access to international organizations and bodies that enhance cooperation and they have the past experience needed for resolving conflict. The three Arctic disputes that may potentially bring conflict to the Arctic are not important enough for either nation to go to conflict over. The Hans Island has no bearing on the outcome of any maritime border or natural resources; the U.S. and Canada have a strong relationship and it is very unlikely the Northwest Passage will ever bring violence between them; the Bering Sea dispute between Russia and the U.S. has not shown any signs of being an issue for either country.

The Arctic nations recognize that each nation is going to benefit from the resources in the Arctic, making it a “non-zero sum outcome.” The question is—how much are they going to benefit? The Arctic has a severe operational environment, which encourages international collaboration for a greater economic benefit. For example, not every nation has sustainable ice-breaking or search and rescue capabilities needed to

³¹² Van Dyke, “The 1982 United Nations Convention on the Law of the Sea,” 378–379.

³¹³ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 14–15.

operate effectively in the Arctic. By collaborating with the other Arctic nations the potential rewards far outweigh the uncertainty of conflict. This can be seen by the most recently resolved dispute between Russia and Norway concerning the Barents Sea, where each nation benefited, in which the disputed area was nearly divided in half.³¹⁴ Russia recognized the importance of the Barents Sea to the future of their economy and worked with Norway to resolve the dispute in order to avoid the possibility of not being able to exploit the Barents Sea in the future due to conflict. In addition, recognizing the importance of peacefully resolving disputes, the dispute concerning the Lomonosov Ridge will be determined by the CLCS and their decision will be final. Canada, Russia, and Norway are all states parties to the UNCLOS and will accept the decision of the CLCS as the new maritime boundary. The peaceful resolution of these disputes shows that each nation is going to benefit from the Arctic and the more cooperative each nation is the more benefit they will receive.

All of the Arctic nations have proven to be rational actors with regards to the Arctic. However, of all the Arctic nations, Russia stands out as the most threatening and most likely to initiate conflict if they are not in control of the region or if they feel threatened by the other Arctic nations impeding on their progress in the Arctic. Russia's history is not in their favor and the fact that Russia is being aggressive and unpredictable, and will do whatever it takes to be the powerhouse of the Arctic does not sit well with the other Arctic nations. Based on the information in this thesis, it seems that Russia is the "wildcard," and that the future of the Arctic is based on whether they are willing to cooperate peacefully with the other Arctic nations, or continue to be aggressive regarding the military and economic expansion in the region, in order to take what they believe is rightfully theirs based on their 2001 Arctic claim and 2007 planting of the Russian flag on the seabed of the North Pole. It is in Russia's best interest to cooperate in the Arctic because of their heavy reliance on Arctic resources and their inability to produce the increasing amount of oil and gas needed to maintain their energy superpower status. They do not possess the ability to do it by themselves.

³¹⁴ O'Rourke, "Changes in the Arctic: Background and Issues for Congress," 12.

Outside the realm of conflict the Arctic nations are bound together through UNCLOS (with the exception of the U.S.), IMO, Arctic Council, UN, NATO (with the exception of Russia), and the Ilulissat Declaration with regards to the Arctic. Most Arctic nations have teamed up to conduct research; for example, Russia and Norway are mapping the Barents Sea as a combined effort.³¹⁵ In addition, Canada and the U.S. have combined to map the Beaufort Sea and Canada and Denmark are working together to map the region around Hans Island.

As previously discussed, there are many non-military instruments such as the UNCLOS, IMO, Arctic Council, UN, and NATO, which enhance cooperation as an alternative to military violence.

Chapter III described the militarization of the Arctic and listed some of the resources the Arctic nations possess or plan to possess in the future. With regards to military activity in the Arctic, Russia stands out as the most capable. The U.S. has a more capable military overall, but not much of its military is capable of operating in the Arctic. Even though Russia does not have the military force it once had during the Cold War, it is still more capable than any Arctic nation. They have 24 ice-breakers, 27 nuclear powered submarines in its Northern Fleet,³¹⁶ and plans to build 8 more SSBNs by 2015 and five or six aircraft carriers by 2030.³¹⁷ There is not a “parity of usable military resources” when comparing the Arctic nations. The other Arctic nations, such as Norway, are building their military capabilities in response to Russia’s building of force as an “insurance policy” or “just in case” the forces are warranted to fight against Russia.³¹⁸ Russia’s plan to build their military capabilities in the Arctic is ambitious and unlikely to come to fruition as they have planned. The delays in the building of the

³¹⁵ O’Rourke, “Changes in the Arctic: Background and Issues for Congress,” 12.

³¹⁶ Nuclear Threat Initiative, “Russia’s Nuclear Submarine Fleets,” <http://www.nti.org/db/nisprofs/russia/naval/nucflt/rusncflt.htm>.

³¹⁷ Zysk, “Russia’s Arctic Strategy: Ambitions and Constraints,” 108.

³¹⁸ Huebert, “The Newly Emerging Arctic Security Environment,” 22–23.

submarines and ships and the need for Russia to invest their money into the infrastructure and technology needed to sustain their energy dominance will likely lessen the perceived threat that has been exaggerated by the other Arctic nations.

The only Arctic nations that have nuclear weapons are the U.S. and Russia. Hermann wrote his article in the middle of the Cold War, when possessing nuclear weapons provided adversaries an incentive to negotiate. That may still be practical today, but the resources in the Arctic themselves can be the weapon that gives the adversaries an incentive to negotiate. Russia controls at least 50 percent of the oil and gas that is exported to Europe.³¹⁹ Europe's dependency on that oil and gas is expected to increase to 77 percent by 2020,³²⁰ which gives the Russians ability to leverage other countries. However, this long term sustainment of oil and gas production from Russia can only be done with the production of the Arctic.³²¹ Russia has shown that it is incapable of extracting the amounts of oil and gas needed without the help of foreign investment.³²² Russia is an energy superpower but in order for it to maintain that status, they will need the help of capitalist regimes.

Based on Hermann's model, the future of the Arctic is likely to be one of cooperation. This finding is largely based on the fact that the Arctic nations abide by the international law, participate in the Arctic Council and other structures that enhance cooperation, and disputes that have lasted decades are now being settled. Each nation developed Arctic strategies that confirmed their commitment to cooperation, which reduces the possibility of conflict. In addition, Russia is unable to benefit from the Arctic without western technology, and the building of Arctic forces is not militarizing the Arctic, but simply preparing for potential outside threats that may arise from the opening of the Arctic and replacing obsolete ships, aircraft, and technology that will likely be used in the Arctic for constabulary roles.³²³ Out of the eight dimensions of Hermann's model,

³¹⁹ OECD, "Energy Security and Competition Policy – 2007," 303.

³²⁰ Ibid., 43.

³²¹ Emmerson, *The Future History of the Arctic*, 207.

³²² Ibid., 212.

³²³ ArcticSecurity.org, "Arms race in the Arctic?,"

only one was answered negatively and that was labeling Russia as possibly being an irrational actor based on their past and aggressive and unpredictable behavior.

B. THE WAY AHEAD FOR THE U.S.

The Arctic region has long been neglected by the U.S; however, due to the current situation in the Arctic, the region is becoming a far more important issue and is gaining the attention of the U.S. government.³²⁴ This prompted the U.S. government to issue an Arctic policy with respect to the Arctic, the NSPD/HSPD. However, the U.S is currently not prepared to operate in that region of the world effectively, unable to implement its Arctic policy, and unable to make territorial claims or resolve territorial disputes. A critical assessment of the policies and strategies relevant to the capabilities and assets of the Arctic region is crucial. The U.S. policies and strategies have identified what should be done with respect to the U.S. interests in the Arctic, but these policies and strategies have not been implemented efficiently. There is not an abundance of time before the Arctic becomes ice-free and it is imperative that the U.S address its issues and move forward and implement its “Arctic policy that reflects U.S. priorities and promotes transparent and cooperative methods of behavior.”³²⁵

Currently, the U.S. has limited capabilities and assets and, in order to be prepared for the future of the Arctic like the other four Arctic nations, the U.S. should seek opportunities to expand the operating capabilities and assets in the Arctic. The U.S. policies and strategies stress cooperation and it is apparent that the U.S. cannot achieve success in the Arctic without the cooperation of the other Arctic nations. In addition, the U.S. also needs to minimize the gaps, most importantly, ratifying the UNCLOS as well as continuing to build the relationships with the other Arctic nations, especially with Russia.

As previously described, the future of the Arctic is most likely to be characterized by cooperation, rather than conflict. With the exception of Russia, the Arctic nations are clearly more interested in cooperation than conflict. Russia’s behavior can be viewed as

³²⁴ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 1.

³²⁵ *Ibid.*, 27.

aggressive and unpredictable. With that in mind, the U.S. policy needs to reflect those two findings—the future of the Arctic is likely to be one of cooperation, but the position of Russia is still a major area of uncertainty. The U.S. needs to show that it is willing to be cooperative in the Arctic, and ratifying UNCLOS allows the U.S. to join the global community to encourage cooperation in the Arctic.

However, the U.S. should hedge their bets when it comes to Arctic and establish a greater maritime presence in the Arctic by developing ice-breaking capabilities, especially for the Coast Guard, but also the Navy. The U.S. needs to increase the USCG and U.S. Navy budgets to build those ice-breakers, increase Arctic training, establish a permanent USCG base on the North Slope, and collaborate with other Arctic nations through joint training and exercises. The U.S. should collaborate with the other Arctic nations, increase research, and build the framework needed for a greater search and rescue capability. In the words of Conley and Kraut, “Without concrete action today, the United States will be left behind in this strategically vital region.”³²⁶

³²⁶ Conley and Kraut, “U.S. Strategic Interests in the Arctic,” 27.

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